

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Sept. 18, 1970]

COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now CECILIA ESPINOZA, and RODOLFO ESPINOZA, hereinafter styled Plaintiffs complaining of FARAH MANUFACTURING CO., hereinafter styled Defendant, and for their cause of action would respectfully show unto the Court the following, to-wit:

I.

That Plaintiff, CECILIA ESPINOZA, is a legal permanent resident immigrant of the United States of America and a resident of the City of San Antonio, County of Bexar, State of Texas; and that Plaintiff RODOLFO ESPINOZA, is a citizen of the United State of America and a resident of the City of San Antonio, County of Bexar, State of Texas.

II.

Defendants are now, and at all times material hereto, have been a duly organized corporation organized and existing under the laws of the State of Texas, and having a place of business in the City of San Antonio, County of Bexar, State of Texas.

III.

This action under the United States Constitution, particularly under the provisions of the Fifth Amendment to the Constitution of the United States, and other federal law, particularly the Civil Rights Act, Title 42, United States Code, Section 2000 e-2(a) jurisdiction is conferred on the Court under Title 42 United States Code, Section 2000 e-5 (f).

IV.

That Plaintiff, CECILIA ESPINOZA, was discriminated against in her efforts to obtain employment because of her national origin on July 19, 1969, after making an application with the aforementioned Defendant. And that as a consequence of said discrimination the Plaintiff has suffered loss of earnings, great humiliation, shame, inconvenience, and mental suffering all to her damage in the sum of THREE THOUSAND NINE HUNDRED SIXTY-EIGHT (\$3,968.00) DOLLARS, and further punitive damages in the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS. That Plaintiff is entitled by virtue of said statute to an award of actual and punitive damages.

V.

That Plaintiff has incurred reasonable attorney's fees in the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS in connection with these proceedings.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that this Court enter a judgment or decree declaring that such employment practices as exercised by the Defendant are unlawful and in violation of the Fifth Amendment to the Constitution of the United States and in violation to Title 42, United States Code, Section 2000 e-2(a); That Plaintiff recover judgment of and from the Defendant in the sum of THREE THOUSAND NINE HUNDRED SIXTY-EIGHT (\$3,968.00) DOLLARS in actual damages, TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS in punitive damages with statutory interest as allowed by law, and TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS for reasonable attorney's fees; That this Court enter a judgment ordering the Defendant to hire the Plaintiff; and that the Court allow them their costs therein and such further, other, additional, or alternative relief as may appear to the Court to be equitable and just.

SIGNED on this the 18th day of September, A.D., 1970.

Respectfully submitted,

/s/ Ruben Montemayor

RUBEN MONTEMAYOR
Attorney for Plaintiffs
1414 Tower Life Building
San Antonio, Texas 78205
224-5471

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Oct. 1, 1970]

PETITIONERS' FIRST AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CECILIA ESPINOZA, and RODOLFO ESPINOZA, as husband and wife, hereinafter styled Petitioners complaining of FARAH MANUFACTURING CO., hereinafter styled Respondent, and for their cause of action would respectfully show unto the Court the following, to-wit:

I.

That Petitioner, CECILIA ESPINOZA, is a legal permanent resident immigrant of the United States of America and a resident of the City of San Antonio, County of Bexar, State of Texas; and that Petitioner RODOLFO ESPINOZA, is a citizen of the United States of America and a resident of the City of San Antonio, County of Bexar, State of Texas.

II.

Respondents are now, and at all times material hereto, have been a duly organized corporation organized and existing under the laws of the State of Texas, and having a place of business in the City of San Antonio, County of Bexar, State of Texas.

III.

This action under the United States Constitution, particularly under the provisions of the Fifty Amendment to the Constitution of the United States, and other federal law, particularly the Civil Rights Act, Title 42, United States Code, Section 2000 e-2 (a); jurisdiction is conferred on the Court under Title 42, United States Code, Section 2000 e-5 (f).

IV.

That Petitioner, CECILIA ESPINOZA, was discriminated against in her efforts to obtain employment because of her national origin on July 19, 1969, after making an application with the aforementioned Respondent. And that as a consequence of said discrimination the Petitioners have suffered loss of earnings, their damage in the sum of THREE THOUSAND NINE HUNDRED SIXTY-EIGHT (\$3,968.00) DOLLARS, and further punitive damages in the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS. That Petitioners are entitled to an award of actual and punitive damages.

V.

That Petitioners have incurred reasonable attorney's fees in the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS in connection with these proceedings.

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully pray that this Court enter a judgment or decree declaring that such employment practices as ex-

exercised by the Respondent are unlawful and in violation of the Fifth Amendment to the Constitution of the United States and in violation to Title 42, United States Code, Section 2000 e-2(a); that Petitioners recover judgment off and from the Respondent in the sum of THREE THOUSAND NINE HUNDRED SIXTY-EIGHT (\$3,968.00) DOLLARS in actual damages, TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS in punitive damages with statutory interest as allowed by law, and TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS for reasonable attorney's fees; that this Court enter a judgment order the Respondent to hire the Petitioner, CECILIA ESPINOZA; and that the Court allow them their costs therein and such further, other additional, or alternative relief as may appear to the Court to be equitable and just.

SIGNED ON this the 30th day of September, A.D. 1970.

Respectfully submitted,

/s/ Ruben Montemayor

RUBEN MONTEMAYOR

Attorney for Petitioners

1414 Tower Life Building

San Antonio, Texas 78205

224-5471

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed October 1, 1970]

PETITIONERS' FIRST AMENDED COMPLAINT
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CECILIA ESPINOZA and RODOLFO ESPINOZA, Petitioners in the above styled and numbered cause and amend their complaint by substituting the attached re-cast complaint in lieu of the prior complaint and pray that this amendment be allowed.

SIGNED on this the 30th day of September, A.D., 1970.

/s/ Ruben Montemayor

RUBEN MONTEMAYOR
Attorney for Petitioners
1414 Tower Life Building
San Antonio, Texas 78205
224-5471

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed October 12, 1970]

ANSWER

Comes now FARAH MANUFACTURING COMPANY, defendant herein, and files this its original answer to the first amended complaint and by way of answer would respectfully show the following:

FIRST DEFENSE

The complaint should be dismissed for failure to state a cause of action against defendant.

SECOND DEFENSE

The complaint of plaintiffs, Rudolfo Espinoza and Cecilia Espinoza, should be dismissed since no allegation of discrimination or other acts are alleged to have been committed by defendant as to said plaintiffs and no cause of action as to said plaintiffs is stated.

THIRD DEFENSE

The complaint of plaintiffs should be dismissed since said plaintiffs were not parties to the administrative proceedings before the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, a condition precedent to suit under Section 706(e) of Title VII of the Civil Rights Act of 1964 (42 U.S. Code §2000e5).

FOURTH DEFENSE

By way of specific answer to the allegations of the complaint, defendant pleads as follows:

I.

Defendant has no knowledge upon which to either admit or deny the allegations of Paragraph I of the first amended complaint relating to plaintiffs' status as a permanent resident, alien or resident of Bexar County, Texas, or the status of plaintiff Rudolfo Espinoza as a citizen of the United States and resident of Bexar County, Texas, and the same are therefor denied.

II.

In answer to Paragraph II of the first amended complaint, defendant admits that it is a corporation authorized to do business in the State of Texas and that it has a place of business in San Antonio, Texas.

III.

In answer to Paragraph III of the first amended complaint, defendant denies that plaintiffs have any cause of action or that this court has any jurisdiction in this case by virtue of the Fifth Amendment to the United States Constitution and "other federal law." Defendant further denies that this court has any jurisdiction by virtue of the provisions of 42 U.S. Code §2000e et. seq., since plaintiffs' suit was not filed and served within the time limits set forth in Section 706 (42 U.S. Code §2000e5) of said act, a condition precedent to suit.

IV.

Defendant denies the allegations of Paragraph IV of the complaint. Defendant specifically denies that plaintiffs are entitled to any monetary damages for "loss of earnings, great humiliation, shame, inconvenience and mental suffering," as alleged, and further denies that Title VII of the Civil Rights Act of 1964 authorizes the award of any damages.

V.

Defendant denies the allegations of Paragraph V of the complaint.

WHEREFORE, premises considered, defendant prays that the first amended complaint herein be dismissed in its entirety, that the defendant recover reasonable costs of suit, including reasonable attorney's fees, or, alternatively, that the complainant be denied the relief sought and take nothing herein, and that defendant have such other and further relief, general and special, to which it might show itself justly entitled.

Respectfully submitted,

KENNETH R. CARR

P. O. Box 9519

El Paso, Texas 79985

KEMP, SMITH, WHITE,

DUNCAN & HAMMOND

1500 First National Building

El Paso, Texas 79901

and

GROCE, HEBDON, FAHEY &
SMITH

By /s/ Thomas H. Sharp, Jr.

Thomas H. Sharp, Jr.

911 Frost Bank Building

San Antonio, Texas 78205

ATTORNEYS FOR

DEFENDANT

[Certificate of Service Omitted]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed October 23, 1970]

PRELIMINARY ORDER

Issue having been joined herein, the Court makes the following ORDER:

(1) In making jury requests, strict compliance with Rule 38(b), Federal Rules of Civil Procedure, will be required.

(2) Except as provided in Rule 15(a), Federal Rules of Civil Procedure, no amendment of pleadings will be filed without leave of Court or written consent of the adverse party.

(3) Discovery is to begin immediately and must be concluded by March 23, 1971. The Court reminds attorneys of the importance and benefits of discovery. See *Hickman v. Taylor*, 329 U.S. 495; 4 MOORE'S FEDERAL PRACTICE 1014-1016. The Court further reminds attorneys of the consequences of the refusal to make discovery. See Rule 37, Federal Rules of Civil Procedure.

(4) A preliminary pre-trial conference between attorneys, to be arranged by plaintiff's attorney, is to be held by April 23, 1971. The purpose of this conference is to take care of certain preliminary matters as indicated in the enclosed self-explanatory form to be signed by the attorneys

following the conference. If there are any problems concerning these matters that cannot be worked out between the attorneys, ten (10) days will be given to file any motions. All motions must have a memorandum of authorities in support thereof. The opposing party to the motion will have seven (7) days to reply, the reply also requiring memorandum of authorities. All motions will be determined on the moving papers unless the Court requests oral argument.

(5) Sanctions for failing to comply with pre-trial directions will be enforced. See Rule 41(b), Federal Rules of Civil Procedure.

Entered this 23d day of October, 1970, at Austin, Texas.

/s/ Jack Roberts

JACK ROBERTS

United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed November 23, 1970]

MOTION TO DISMISS AND FOR JUDGMENT

Comes now FARAH MANUFACTURING COMPANY and moves the Court under Rule 12 to dismiss the captioned cause for lack of jurisdiction over the subject matter and to grant Defendant judgment on the pleadings, and would show:

I.

It is clear from the Plaintiffs' pleading that no loss supports recovery under the claim made and it appears to a certainty that Plaintiffs are entitled to no relief under any state of facts which could be proved in support of the claim, since Plaintiffs' entire complaint is grounded on the theory that giving employment preference to American citizens is unlawful.

II.

Judgment for Defendant on the pleadings is sustained by the undisputed facts appearing in the complaint, which are taken as true for purpose of this motion.

WHEREFORE, Defendant prays for an Order dismissing Plaintiffs' complaint for failure to state a claim upon which relief can be granted and for judgment in its

favor providing that Plaintiffs' take nothing, for its costs,
and for general relief.

Respectfully submitted,

KENNETH R. CARR
P. O. Box 9519
El Paso, Texas 79985

KEMP, SMITH, WHITE,
DUNCAN & HAMMOND
1500 First National Building
El Paso, Texas 79901

By /s/ Jack Ratliff

JACK RATLIFF
GROCE, HEBDON, FAHEY &
SMITH

By /s/ Thomas H. Sharp, Jr.

THOMAS H. SHARP, JR.
911 Frost Bank Building
San Antonio, Texas 78205
Attorneys for Defendant

[Certificate of Service Omitted]

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed November 23, 1970]

**AUTHORITIES IN SUPPORT OF MOTION TO
DISMISS AND FOR JUDGMENT**

Plaintiffs' complaint is based on the erroneous assumption that an employer may not prefer American citizens in hiring. That theory runs contrary to the obvious Congressional intent embodied in the Civil Rights Act of 1964, to the clear implications found in the case law, and to the interpretation long given the term "national origin" by the United States Government itself.

Title VII of the Civil Rights Act of 1964, 42 USC Sec. 2000e-2 prohibits certain unlawful employment practices. It provides that it shall be unlawful for an employer:

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin.

CECILIA ESPINOZA asserts that she was denied employment because she is an alien, an assertion taken as true for the purposes of this Motion. The question is whether such a denial discriminates against Mrs. Espinoza because of her "national origin." It is not contended, nor can it be, that Farah discriminates against American citizens of Mexican descent.

The Regional Director of the Equal Employment Opportunity Commission has, pursuant to 29 C.F.R. Sec. 1601, made Findings of Fact based upon Cecilia Espinoza's EEOC Charge. Although 29 C.F.R. Sec. 1601.19b prescribes the method for excepting to said Findings of Fact, no such exception was taken by said Plaintiff. Those Findings, a copy of which is attached hereto and made a part hereof for all purposes, demonstrate conclusively that Plaintiff was not discriminated against by virtue of the fact that her national origin is Mexico. For example, they demonstrate that 95% of Farah's employees in San Antonio are Spanish-surnamed; that Plaintiff's sister-in-law, who is also Spanish-surnamed, is employed by Farah, and that the individuals hired for the position Plaintiff was seeking were themselves Spanish-surnamed. Finally, Regional Director found, without exception, that:

"The evidence in the record does not establish that Respondent [Farah] refused to employ Charging Party [Plaintiff] because she is Spanish Surnamed."

Plaintiffs rely heavily on guidelines issued by the EEOC which, erroneously and without foundation in law, declare that, absent a national security consideration, an employer may not prefer his fellow citizens over aliens in hiring. See EEOC Guidelines in CCH Employment Practices Guide, Volume 2, Para. 16,908, Sec. 1606.1(d).

The case appears to be one of first impression, though numerous cases (cited below) clearly show that by "national origin" Congress intended a person's ancestry or historical origin, and not his citizenship. The clearest indication of Congressional intent, however, is provided by

the Federal Government itself. The Civil Service statute specifically precludes discrimination on the basis of "national origin":

"It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy. 5 U.S.C. Sec. 7151. (All emphases in this brief added unless noted otherwise.)

Nevertheless, the Civil Service Commission, with obvious Congressional approval, employs only United States citizens. See Federal Personnel Manual, Chapter 338, Subchapter 1, Paragraph 1-1, Sub-sections A and B.

Furthermore, Presidential Executive Order 11478 (CCH Employment Practices Guide, Para. 16,050) provides:

"Sec. 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

Sec. 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission."

It is clear, therefore, that the hiring policies of our own Government reflect both an overwhelming concern for fairness in employment and a requirement that only citizens be employed. The Government may not discriminate on the basis of "national origin," but clearly can and does forbid employment to aliens.

It is clear, therefore, that discrimination on the basis of citizenship is not understood by Congress to be the same as discrimination on the basis of "national origin," as contended by Plaintiffs. That position is manifestly inconsistent with Congressional intent, as indicated in 5 U.S.C. Sec. 7151, when compared with the long-standing policies of the Civil Service Commission. Certainly Congress did not intend to create more stringent requirements for private employers than those it imposes upon the Federal Government itself. If Congress had meant to prevent discrimination on the basis of citizenship, it could have done so by the inclusion of that word in the statute.

While dictionary definitions are not necessarily controlling, they offer some suggestion as to the Congressional intent. Webster defines origin as "ancestry, parentage, beginning, derivation from a source or primary source of cause." Thus it seems obvious that national origin means the country from which a person is derived, either through birth or parentage.

While the case law is sketchy at best, the following cases illustrate that disputes under the national origin provision of the Civil Rights Act give "national origin" its reasonable meaning, related to derivation and not to citizenship. Thus in *Gnotta v. United States*, 415 F.2d 1271 (8th Cir. 1969), an employee of the U.S. Army Corps of Engineers, born in the United States, but of Italian ancestry, claimed that he was discriminated against because of his ancestry. There was never an allegation that national origin meant anything but his Italian ancestry. Of course the question of citizenship never arose because the plaintiff was a United States citizen. Mr. Justice Blackmun, now on the Supreme Court of the United States, discussed the plaintiff's ancestry. He indicated that the plaintiff was born of "Italian parents in Kansas City, Missouri." He later refers to witnesses "some of them of obvious Italian descent" who testified that they did not think the plaintiff suffered discrimination because of national origin. The witnesses also testified that there was "no discrimination against Italians in the Corps." It would seem that all parties, the court, and the Justice writing the opinion, now on the United States Supreme Court, never considered national origin to mean anything other than the country of the plaintiff's descent.

In EEOC Case Number CL 68-12-431EU, 2 F.E.P. Cas. 295, the EEOC found that there was reasonable cause to believe that an employer had violated Title VII of the Civil Rights Act by permitting job harassment of a foreign-born employee because of his national origin. The charging party was born in Poland and entered the United States in 1956. It does not indicate whether the charging party was a citizen of the United States. He complained of being the butt of "Polish jokes" among other shop employees, including those also of Polish descent, who laced other witticisms with vulgar Polish names and generally derogatory remarks about his ancestry. The Commission found that the telling of Polish jokes was common in the shop and other employees of Polish descent took such jests good-naturedly. The Commission later said that it "cannot regard the tolerance of ridicule of national origin as either a common or allowable condition of employment." Throughout the remainder of the digested opinion, the Commission refers to the charging party as of Polish descent and being foreign-born. There is never any question about citizenship.

In *Chavez v. Rust Tractor Co.*, 2 F.E.P. Cas. 339 (D.N.M. 1969), the court considered a case brought by a Spanish-surnamed former employee alleging discrimination on the basis of national origin. The plaintiff alleged that he had been laid off because the employer did not like persons of "Spanish-American descent." The Commission investigated the complaint, and found, "Reasonable cause exists to believe that the Respondent has engaged in the unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, by discharging the Charging Party because of his National Origin, (Spanish surnamed American)." The court found that there had been only ten Spanish-surnamed Americans discharged during

the period in question. It held that plaintiff failed to establish that there exists in fact "a class of persons in the form of Spanish surnamed Americans who have applied for employment with Defendant since July 2, 1965, to date and who have been denied employment by Defendant." The point is that neither the Commission nor the court ever thought of national origin being anything other than the country from which the Plaintiff was descended. In *Motorola, Inc. v. EEOC*, F.E.P. Cas. 407 (D. Ariz. 1969), the court again considered a charge of discrimination based upon national origin. Again the case involved Spanish-surnamed persons. Once again, neither the court nor the Commission considered national origin to be anything other than the country from which the plaintiff was descended.

Though the opinion is not entirely clear, *LaBierre v. Massachusetts Comm'n Against Discrimination*, 236 N.E. 2d 192, 354 Mass. 165, suggests that "national origin" is something entirely different from citizenship.

The case of *Vogler v. McCarty, Inc.*, 2 F.E.P. Cas. 491, ___F.Supp.___ (E.D. La., Feb. 19, 1970) is informative. There, a union which was found in prior proceedings to discriminate in referrals against Negroes in violation of Title VII of the Civil Rights Act of 1964 was ordered to implement certain criteria for membership. Those included, as qualifications, the following:

"B. Citizenship. An applicant must be an American or Canadian citizen or be one not later than five years after the date of admission to the local union."

The ruling demonstrates that the favoring of American citizens in employment is not a violation of the Act and that the Federal Courts charged with interpretation of the Act do not so regard it. See 294 F.Supp. 368 (1968) and 407 F.2d 1047 (5th Cir., 1969) for background. The decision is based, in part, on discrimination against persons with Spanish surnames because of "national origin" which the District Court finds to be something other than citizenship.

Because of the foregoing authorities, Defendant prays for an Order dismissing Plaintiffs' complaint and for judgment on the pleadings herein.

Respectfully submitted,

KENNETH R. CARR

P. O. Box 9519

El Paso, Texas 79985

KEMP, SMITH, WHITE,

DUNCAN & HAMMOND

1500 First National Building

El Paso, Texas 79901

By /s/ Jack Ratliff

JACK RATLIFF

THOMAS H. SHARP, JR.

GROCE, HEBDON, FAHEY &
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911 Frost Bank Building

San Antonio, Texas 78205

[Certificate of Service Omitted]

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION REGIONAL OFFICE**

**300 E. 8th Street
Austin, Texas 78701
Area Code 512 475-5811**

REGIONAL DIRECTOR'S FINDING OF FACT

**Cecelia (Rudolfo) Espinoza
Charging Party
vs.**

Case No. YAUO-196

**Farah Manufacturing Co., Inc.
San Antonio, Texas
Respondent**

Date of alleged violation: July 19, 1969
Date of filing of charge: August 11, 1969
Date of service of charge: February 12, 1970

- 1. The Charging Party alleges that the Respondent employer has engaged in an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 by refusing to hire her because of her national origin (Spanish Surnamed — not a United States citizen). The Respondent denies the charge.**
- 2. The Respondent's San Antonio plant employs about 625 persons, of whom ninety-five percent are Spanish Surnamed Americans.**
- 3. The Respondent engages in the manufacturing of clothing, an industry affecting commerce.**

4. The Charging Party, a Spanish Surnamed female, states that she is not a citizen of the United States, although she is married to a citizen and is a resident of San Antonio, Texas.
5. The Charging Party states that on July 19, 1969, she applied for employment by the Respondent as a machine operator; that she was not hired, and that the reason given her was that she is not a citizen of the United States.
6. The Respondent's president and its attorney of record stated that the Respondent has historically enforced an unwritten company policy to hire only persons who are citizens of the United States. These officials gave no reason for the existence of this policy.
7. The Respondent's president stated that there has been one exception to this policy, but he refused to furnish the investigator with the name of such employee.
8. The Charging Party's sister-in-law, a Spanish Surnamed United States citizen, is employed by Respondent.
9. The Charging Party stated that she believed that the persons hired instead of her were Spanish Surnamed citizens of the United States.
10. The evidence in the record does not establish that Respondent refused to employ Charging Party because she is Spanish Surnamed.

11. The Resident Employer rejects those applicants for employment who are not United States citizens.
12. The Respondent refused to employ the Charging Party because she is not a citizen of the United States.
13. There is no evidence in the record that the Respondent's policy of employing only citizens of the United States is related to the interests of national security.

May 8, 1970

Date

/s/ Lee G. Williams

Lee G. Williams
Regional Director
Austin Regional Office

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed January 20, 1971]

ORDER

ON THIS THE 20th day of January, 1971, the Petitioners appeared by their attorney, and made application wherein the said CECILIA ESPINOZA, and RODOLFO ESPINOZA, respectfully move the Court for leave to amend their First Amended Complaint.

Application having been heard and considered by the Court, the same is hereby granted.

/s/ D. W. Suttle

JUDGE PRESIDING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed January 20, 1971]

PETITIONERS' SECOND AMENDED COMPLAINT
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CECILIA ESPINOZA, and RODOLFO ESPINOZA, Petitioners in the above styled and numbered cause, and by and through their attorney, RUBEN MONTEMAYOR, moves the Court for leave to amend their First Amended Complaint, a copy of said amendment being attached hereto, upon the grounds of Rule 15, Federal Rules of Civil Procedure.

SIGNED on this the 20th day of January, A.D., 1971.

/s/ Ruben Montemayor

RUBEN MONTEMAYOR
Attorney for Petitioners
1414 Tower Life Building
San Antonio, Texas 78205
512 224-5471

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Jan. 20, 1971]

PETITIONERS' SECOND AMENDED COMPLAINT
TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, CECILIA ESPINOZA, and RODOLFO ESPINOZA, as husband and wife, hereinafter styled Petitioners complaining of FARAH MANUFACTURING CO., hereinafter styled Respondent, and for their cause of action would respectfully show unto the Court the following, to-wit:

I.

That Petitioner, CECILIA ESPINOZA, is a legal permanent resident immigrant of the United States of America and a resident of the City of San Antonio, County of Bexar, State of Texas; and that Petitioner RODOLFO ESPINOZA, is a citizen of the United States of America and a resident of the City of San Antonio, County of Bexar, State of Texas.

II.

Respondents are now, and at all times material hereto, have been a duly organized corporation organized and existing under the laws of the State of Texas, and having

a place of business in the City of San Antonio, County of Bexar, State of Texas, and that said Respondent comes within the meaning of Title 42, U.S. Code, Section 2000 e-(b) in that the said Respondent is engaged in an industry affecting commerce and employs at least twenty-five (25) persons.

III.

This suit is one in equity authorized and instituted pursuant to Title 42, U.S. Code, Title 42, U.S. Code, Section 2000 e-2(a). Jurisdiction is conferred on this Court under Title 42, U.S. Code, Section 2000 e- 5(f).

IV.

That Petitioner, CECILIA ESPINOZA, was discriminated against in her efforts to obtain employment because of her national origin on July 19, 1969, after making an application with the aforementioned Respondent. That said discrimination is in violation of the Federal Law mentioned in paragraph III above, and that as a consequence thereof, the Petitioner has suffered loss of earnings at a

rate of \$1.60 per hour. That Petitioners are entitled to back pay according to Title 42, U.S. Code, Section 2000 e- 5(g).

V.

That as a result of Respondent's unlawful employment practices, the Petitioners have incurred reasonable attorney's fees in the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS, and that said Peti-

tioners are entitled to reasonable attorneys fees according to Title 42, U.S. Code, Section 2000 e- 5(k).

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully pray that this Court enter a Judgment or Decree declaring that such employment practices as exercised by the Respondent are unlawful and in violation of Title 42, U.S. Code, Section 2000 e- 2(a); that Respondent be permanently enjoined from such unlawful employment practices; that Petitioners recover judgment off and from the Respondent for all back pay to date; for reasonable attorney's fees in the amount of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS; and that the Court allow them their costs therein and for such further, other additional, or alternative relief, as may appear to the Court to be equitable and just.

SIGNED on this the 18th day of January, 1971.

Respectfully submitted,

/s/ Ruben Montemayor

RUBEN MONTEMAYOR
Attorney for Petitioners
1414 Tower Life Building
San Antonio, Texas 78205
512 224-5471

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed Feb. 10, 1971]

MOTION FOR SUMMARY JUDGMENT

Comes now Defendant, FARAH MANUFACTURING COMPANY, INC., and moves the Court, pursuant to Rule 56 of the Rules of Civil Procedure, to enter judgment for Defendant dismissing the action on the grounds that there is no genuine issue as to any material fact in the action and that Defendant is entitled to a judgment as a matter of law. As appears from the pleadings, Plaintiff's deposition, and the affidavit of PEDRO P. VILLAYERDE, JR., Secretary of Defendant corporation, attached hereto and made a part hereof, it is uncontradicted that Defendant, in refusing to hire Plaintiff because she is not a United States citizen, does not discriminate on the basis of national origin, and is therefore not in violation of Title VII of the Civil Rights Act of 1964, 42 USC §2000e-2.

Defendant requests oral argument.

DATED February 10, 1971.

KENNETH R. CARR

P. O. Box 9519

El Paso, Texas 79985

THOMAS H. SHARP, JR.

Groce, Hebdon, Fahey & Smith

911 Frost Bank Building

San Antonio, Texas 78205

KEMP, SMITH, WHITE,
DUNCAN & HAMMOND
1500 First National Building
El Paso, Texas 79901

By William Duncan

WILLIAM DUNCAN

By /s/ Jack T. Chapman

JACK T. CHAPMAN
Attorneys for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Feb. 10, 1971]

**AFFIDAVIT OF PEDRO P. VILLAYERDE, JR. IN
SUPPORT OF DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

Pedro P. Villaverde, Jr., being duly sworn, deposes
and says:

I.

I am Secretary of FARAH MANUFACTURING
COMPANY, INC., Defendant in the above entitled and
numbered cause, and I have personal knowledge of each
and every fact hereinafter stated. I reside in the City of
El Paso, Texas.

II.

I have a Spanish surname, and my national origin is Mexico. I am a citizen of the United States of America.

III.

FARAH MANUFACTURING COMPANY, INC. has plants located in El Paso, Texas, San Antonio, Texas and Victoria, Texas. The events complained of in the captioned case occurred at Defendant's plant in San Antonio, Texas.

IV.

Defendant has a long standing and firm policy of hiring individuals without regard to their national origin, but with the requirement that they be citizens of the United States of America, either by birth or naturalization.

V.

At the time of the alleged violation in this case, July 19, 1969, Farah employed 7671 persons, all United States citizens, 7095 (or 92.5 percent) of whom are of Mexican origin. At the San Antonio facility, on the same date, Farah employed 869 persons, 837 (or 96.3 percent) of whom are of Mexican origin.

VI.

Farah's 1969 Employment Report Form EEO-1 to the Joint Reporting Committee, which includes the Equal Employment Opportunity Commission, was based upon payroll data for the payroll period ending March 19, 1969.

The information contained on that form is accurate. As of March 19, 1969, Farah employed 7594 persons, 7079 (or 93.2 percent) of whom are of Mexican origin. The San Antonio plant, as of that date, employed 625 persons, 609 (or 97.4 percent) of whom are of Mexican origin. Of the 589 people doing the type of work for which Plaintiff applied, 580 (or 98.5 percent) are of Mexican origin.

Farah's 1970 EEO-1 Form was based upon payroll data for the payroll period ending March 18, 1970. The information contained on that form is also accurate. As of March 18, 1970, Farah employed 7768 persons, 7174 (or 92.4 percent) of whom are of Mexican origin. The San Antonio plant, as of that date, employed 1158 persons, 1120 (or 96.7 percent) of whom are of Mexican origin. Of the 1117 people doing the type of work for which Plaintiff applied, 1087 (or 97.3 percent) are of Mexican origin.

Further Affiant saith not.

/s/Pedro P. Villaverde, Jr.

Pedro P. Villaverde, Jr.

SUBSCRIBED and SWORN before me this 20th day of January 1971 by Pedro P. Villaverde, Jr.

/s/ Lucio G. Salgado

Notary Public in and for
El Paso County, Texas.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Feb. 19, 1971]

PETITIONERS' FIRST SET OF INTERROGATORIES

Now comes CECILIA ESPINOZA, and RODOLFO ESPINOZA, Petitioners in the above styled and numbered cause, by and through their Attorney, RUBEN MONTE-MAYOR, and file the following Interrogatories to be answered under oath by the Respondent pursuant to Rule 33 of the Federal Rules of Civil Procedure.

Unless a contrary meaning appears in context, the following definitions apply:

A. Company refers to FARAH MANUFACTURING COMPANY, its officers, agents, and employees.

B. Petitioner and/or Applicant refers to Mrs. CECILIA ESPINOZA.

1. What is the address and location of the Company's main office?
2. What is the address and location of the Company's branch office located in the County of Bexar, State of Texas?
3. What is the nature or type of business conducted by the Company?

4. Does the Company maintain any other operations or facilities in the State of Texas other than those mentioned in Interrogatory Nos. 1 and 2 above?

5. Is the Company's San Antonio Branch Office under the direct supervision and control of the main office located in El Paso, Texas?

6. What are the names, addresses, and responsibilities of all officers of the Company who are located at the Company's main office?

7. What are the names, addresses, and responsibilities of all officers who are located in the Company's branch office in the County of Bexar, State of Texas?

8. What specific operations are carried on at each of the offices, branches, district offices or plants of the Company?

9. Is the Company an employer with the meaning of Title 42, United States Code, Section 2000 e-(b)?

10. What are the names, addresses of the persons with the Company who either have or had duties connected with the attraction, screening, or hiring of job applicants?

11. With regard to those persons listed in the answer of Interrogatory No. 10, what are or were the duties and responsibilities of each such person?

12. By what means does the Company advertise for job applicants to fill new vacancies?

13. With reference to Interrogatory No. 12, please attach a copy of each employment advertisement for vacancies for a new Sewing Machine Operator published in any newspaper bulletin, or trade journal, between January 1, 1969, and the date of receipt of these Interrogatories?

14. What are the addresses and locations of those employment offices which have either employed or referred for employment any job applicant for Sewing Machine Operator with the Company since January 1, 1969?

15. With respect to each person interviewed for employment by the Company for the position of Sewing Machine Operator at any time since January 1, 1969:

a. What are the names, national origins, dates of application of each such person?

b. For each person listed in response to (a) above, which person from the Company conducted the interviews?

c. If during the application-interview process any oral or written examination was given to those persons described in (a) above, what type and form of test was given and what was the result for each applicant?

d. What educational or previous work experience or health qualifications were made known to the Company about each of these applicants?

e. What disposition was made by the Company of each application?

f. What were the specific reasons for either hiring or not hiring each applicant?

16. What are the duties performed by the employees in the position of Sewing Machine Operator?

17. What are the starting wages for the position of Sewing Machine Operator?

18. For an employee performing satisfactorily, what are the promotional opportunities and wage increases offered by the Company over a period of one year or more?

19. Do your Company records reflect an application made by Mrs. CECILIA ESPINOZA, Petitioner, on or about July 19, 1969, for the position of Sewing Machine Operator?

20. If so, please attach a copy of said application.

21. What was the disposition of said application and state the reasons thereof?

22. Is the application form used by the Petitioner identical by those used by other applicants applying for other positions?

23. If not, please furnish a copy of all the different types of applications used.

24. Does the Company require that every applicant attach a copy of their birth certificate to the application regardless of the type of position applied for?

25. Is there a question or questions in every and all applications directing the applicant to furnish information regarding their national origin?

26. If so, what is the purpose for this requirement?

27. Is it the policy of the Company to deny employment to all those Applicants not born in the United States of America?

28. If so, have there ever been any exceptions to this policy?

29. In the event of an affirmative response to Interrogatory No. 28, state the name, address, company position, and nationality of such person or persons.

30. Is it the policy of the Company to deny employment to naturalized citizens of the United States of America?

31. Is the fact that an applicant is not born in the United States of America an automatic bar to employment with the Company?

32. Are there ever made any inquiries as to whether the foreign born applicant is a legal resident of the United States of America?

33. State the names and addresses of all persons that have been denied employment on the basis that they were not born in the United States of America since the Company started operations.

34. Does the Company provide for on-the-job training for any of its employees?

Respectfully submitted,

/s/ Ruben Montemayor

RUBEN MONTEMAYOR

Attorney for Petitioners

1414 Tower Life Building

San Antonio, Texas 78205

512 224-5471

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed March 8, 1971]

**ORDER ENLARGING TIME TO FILE OBJECTIONS
AND TO ANSWER INTERROGATORIES**

This cause this day came on to be heard, upon the Motion of the Defendant, for an enlargement of time in which to file objections to interrogatories propounded to Defendant under Rule 33 of the Rules of Civil Procedure and for an enlargement of time in which to answer interrogatories to which there may be no objection. And, for good cause shown, and by agreement of the parties, it is, therefore,

ORDERED and ADJUDGED, that the Defendant be, and it is thereby granted until March 29, 1971, in which to file objections to such interrogatories and in which to file answers to interrogatories to which there may be no objections made.

ORDERED and ADJUDGED, this 8th day of March, 1971.

/s/ D W Suttle

Judge

AGREED:

KEMP, SMITH, WHITE,
DUNCAN & HAMMOND
1500 First National Building
El Paso, Texas 79901

By /s/ William Duncan

William Duncan,
Attorneys for Defendant

/s/ Ruben Montemayor

Ruben Montemayor,
Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed March 29, 1971]

**DEFENDANT'S OBJECTIONS TO
INTERROGATORIES**

Comes now Defendant in the above entitled and numbered cause and makes the following objections to the written interrogatories served herein by Plaintiff on the 19th day of February, 1971.

I.

Objection to Interrogatory No. 10, which interrogatory is as follows:

What are the names, addresses of the persons with the Company who either have or had duties connected with the attraction, screening or hiring of job applicants?

The objection is that the interrogatory is not reasonably limited in scope of time. Plaintiff alleges that she was discriminated against on the basis of national origin when she was refused employment by Defendant on July 19, 1969. Defendant has contemporaneously herewith filed an answer to the above interrogatory listing individuals now with the Company who have since January 1, 1969, performed duties connected with the attraction, screening or hiring of job applicants. The listing of individuals per-

forming similar duties prior to January 1, 1969, would be so remote in time as to be irrelevant. Defendant has answered the interrogatory using the date January 1, 1969, because Plaintiff in Interrogatories No. 13, 14 and 15, uses that same date in requesting information.

II.

Objection to Interrogatory No. 15, which interrogatory is as follows:

With respect to each person interviewed for employment by the Company for the position of Sewing Machine Operator at any time since January 1, 1969:

- a. What are the names, national origins, dates of application of each person?
- b. For each person listed in response to (a) above, which person from the Company conducted the interviews?
- c. If during the application—interview process any oral or written examination was given to those persons described in (a) above, what type and form of test was given and what was the result for each applicant?
- d. What educational or previous work experience or health qualifications were made known to the Company about each of these applicants?
- e. What disposition was made by the Company of each application?

- f. What were the specific reasons for either hiring or not hiring each applicant?

The general objection to the overall inquiry of Interrogatory No. 15 is that since January 1, 1969, it can be conservatively estimated that the Company has interviewed well in excess of ten thousand applicants for the position of Sewing Machine Operator. To review that number of applications would be unduly burdensome and costly for Defendant. Furthermore, and even more importantly, most of the information requested in the subsections to Interrogatory No. 15 is not contained in the job applications. Defendant makes the following specific objections to each subsection of Interrogatory No. 15.

(1) Interrogatory No. 15 (a) inquires about names, national origin and dates of application of each job applicant. The job application form does not reveal the applicant's national origin. To review the several thousand applications for names and dates would be unduly burdensome and costly and it would not materially aid in the resolution of any issue in the captioned case.

(2) Interrogatory No. 15 (b) asks the identity of the person from the Company who conducted the interview. This information is not on the application form. The person conducting the interview could be identified, if at all, only by his handwriting.

(3) Interrogatory No. 15 (c) asks about oral or written examinations given to job applicants. None are given.

(4) Interrogatory No. 15 (d) inquires as to educational, previous work experience, or health qualifications. Although the job applications would reflect this information, such information is completely irrelevant to Plaintiff's suit which is founded on alleged discrimination by Defendant on the basis of national origin. Defendant does not hire persons who are not citizens of the United States, regardless of education, previous work experience, or health qualifications. Furthermore, to obtain the requested information would require a review of several thousand job applications, a task unduly burdensome.

(5) Interrogatory No. 15 (e) asks the disposition of each application. Since several thousand applications are involved, determining the disposition of each would be unduly burdensome, especially since the application itself does not reveal the requested information.

(6) Interrogatory No. 15 (f) inquires about the specific reasons for hiring or not hiring each applicant. This information is not available, with the partial exception that a refusal to hire based solely on non-United States citizenship could sometimes be determined from the application form. However, since Farah admits that it refuses to hire non-citizens, an examination of several thousand applications would provide no additional relevant information.

III.

Objection to Interrogatory No. 17, which interrogatory is as follows:

What are the starting wages for the position of Sewing Machine Operator?

Rule 26(b)(1), Federal Rules of Civil Procedure, requires that the matter inquired into in any discovery proceeding be "relevant to the subject matter involved in the pending action." The objection is that the information sought by Interrogatory No. 17 is wholly irrelevant to whether Defendant discriminated against Plaintiff in refusing to hire her because she is not a United States citizen.

IV.

Objection to Interrogatory No. 18, which interrogatory is as follows:

For an employee performing satisfactorily, what are the promotional opportunities and wage increases offered by the Company over a period of one year or more?

Rule 26(b)(1), Federal Rules of Civil Procedure, requires that the matter inquired into in any discovery proceeding be "relevant to the subject matter involved in the pending action." The objection is that the information sought by Interrogatory No. 18 is wholly irrelevant to whether Defendant discriminated against Plaintiff in refusing to hire her because she is not a United States citizen.

WHEREFORE, PREMISES CONSIDERED, Defendant moves this Court for an order quashing Interrogatories No. 15, (in part), 17 and 18, and excusing it from answering them and requests that Defendant, in its answer

to Interrogatory No. 10, be required to provide information only from January 1, 1969, to the present.

DATED March 29, 1971.

KENNETH R. CARR

P. O. Box 9519

El Paso, Texas 79985

Thomas H. Sharp, Jr.

GROCE, HEBDON, FAHEY &
SMITH

911 Frost Bank Building

San Antonio, Texas 78205

KEMP, SMITH, WHITE,

DUNCAN & HAMMOND

1500 First National Building

El Paso, Texas 79901

By /s/ William Duncan

WILLIAM DUNCAN

Attorneys for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed March 29, 1971]

**DEFENDANT'S ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

PEDRO P. VILLAVERDE, Secretary of Defendant, FARAH MANUFACTURING COMPANY, INC., having been duly sworn, makes the following answers to written interrogatories propounded to Defendant by Plaintiff in the above entitled case.

Answer to Interrogatory No. 1: P. O. Box 9519, (8889 Gateway West), El Paso, Texas 79985.

Answer to Interrogatory No. 2: 1000 Frio City Road, San Antonio, Texas.

Answer to Interrogatory No. 3: Manufacture of men's and boys' slacks and jeans.

Answer to Interrogatory No. 4: Yes.

Answer to Interrogatory No. 5: Yes.

Answer to Interrogatory No. 6:

William F. Farah	President	8889 Gateway West El Paso, Texas
William J. Conroy	Executive Vice President	8889 Gateway West El Paso, Texas

Thomas A. Prendergast	Vice President	8889 Gateway West El Paso, Texas
Gordon W. Foster	Vice President	8889 Gateway West El Paso, Texas
A. Abihider	Vice President	8889 Gateway West El Paso, Texas
William R. Landa	Vice President	8889 Gateway West El Paso, Texas
Joe Chemali, Jr.	Vice President	8889 Gateway West El Paso, Texas
James P. Viola	Vice President	8889 Gateway West El Paso, Texas
Oscar Fatuch	Vice President	8889 Gateway West El Paso, Texas
Pedro P. Villaverde, Jr.	Secretary	8889 Gateway West El Paso, Texas

Answer to Interrogatory No. 7: None

Answer to Interrogatory No. 8: Manufacture of men's and boys slacks and jeans.

Answer to Interrogatory No. 9: Yes.

Answer to Interrogatory No. 10: Farah has filed contemporaneously an objection to the breadth of Interrogatory No. 10 insofar as it inquires into individuals performing the designated functions prior to January 1, 1969. The following individuals have performed the functions designated in Interrogatory No. 10 since January 1, 1969:

<u>Name</u>	<u>Location</u>
Ernesto Alvarez	8889 Gateway West El Paso, Texas
Al Barcena	8889 Gateway West El Paso, Texas
Ofelia Bigford	204 Profit Drive Victoria, Texas
John J. Blevins, Jr.	5474 East Paisano El Paso, Texas
Don Chaffee	8889 Gateway West El Paso, Texas
Joe Chemali, Jr.	8889 Gateway West El Paso, Texas
Victor Chemali	8889 Gateway West El Paso, Texas
Pauline Diaz	1000 Frio City Road San Antonio, Texas
Frank Dickerson	1000 Frio City Road San Antonio, Texas
Robert R. Dominguez	5474 East Paisano El Paso, Texas
Pablo Dow	1000 Frio City Road San Antonio, Texas
Gabriel A. Ekery	5474 East Paisano El Paso, Texas
Norman Ekery	8889 Gateway West El Paso, Texas
Jimmy Flack	2220 South Main Las Cruces, New Mexico
Joe Flores	8889 Gateway West El Paso, Texas
Erich A. Goeldner	8889 Gateway West El Paso, Texas

Ernest F. Goeldner	8889 Gateway West El Paso, Texas
Pete Gonzales	8889 Gateway West El Paso, Texas
Alfonso Govea	5474 East Paisano El Paso, Texas
Juanita Gutierrez	1000 Frio City Road San Antonio, Texas
William L. Isaac	1500 East Third Street El Paso, Texas
Isidro E. Luna	1500 East Third Street El Paso, Texas
Robert Maldonado	8889 Gateway West El Paso, Texas
Daniel Mansour	1000 Frio City Road San Antonio, Texas
Manuel O. Martinez	5474 East Paisano El Paso, Texas
James F. Murphy	1500 East Third Street El Paso, Texas
John Rendon	204 Profit Drive Victoria, Texas
Estella Rodela	1000 Frio City Road San Antonio, Texas
Orlando A. Segura	5474 East Paisano El Paso, Texas
Joe Serna	8889 Gateway West El Paso, Texas
Henry Sosa	8889 Gateway West El Paso, Texas
Darrell Swinson	1000 Frio City Road San Antonio, Texas
Robert Taylor	204 Profit Drive Victoria, Texas

Mary Helen Vela	1000 Frio City Road
	San Antonio, Texas
Richard S. Zubiate	1500 East Third Street
	El Paso, Texas

Answer to Interrogatory No. 11:

Ernesto Alvarez	Interviews and Screens
Al Barcena	Hires
Ofelia Bigford	Interviews
John J. Blevins, Jr.	Interviews
Don Chaffee	Screens and Hires
Joe Chemali, Jr.	Hires
Victor Chemali	Screens and Hires
Pauline Diaz	Interviews
Frank Dickerson	Interviews
Robert R. Dominguez	Interviews
Pablo Dow	Hires
Gabriel A. Ekery	Screens and Hires
Norman Ekery	Screens and Hires
Jimmy Flack	Hires
Joe Flores	Screens
Erich A. Goeldner	Screens and Hires
Ernest F. Goeldner	Screens and Hires
Pete Gonzales	Screens
Alfonso Govea	Interviews
Juanita Gutierrez	Interviews
William L. Isaac	Hires
Isidro E. Luna	Interviews
Robert Maldonado	Interviews
Daniel Mansour	Interviews
Manuel O. Martinez	Interviews and Screens
James F. Murphy	Screens
John Rendon	Interviews

Estella Rodela
 Orlando A. Segura
 Joe Serna
 Henry Sosa
 Darrell Swinson
 Robert Taylor
 Mary Helen Vela
 Richard S. Zubiate

Interviews
 Screens and Hires
 Screens and Hires
 Screens and Hires
 Screens and Hires
 Hires
 Interviews
 Interviews, Screens and Hires

Answer to Interrogatory No. 12: None.

Answer to Interrogatory No. 13: Not applicable.

Answer to Interrogatory No. 14: None

Answer to Interrogatory No. 15: Farah has contemporaneously herewith filed an objection to Interrogatory No. 15, but it volunteers answers in part to the following subsections of that interrogatory:

(1) Interrogatory No. 15(a): Job application forms used by Defendant do not reveal the applicant's national origin.

(2) Interrogatory No. 15(b): The identity of the person from the Company conducting the employment interview is not revealed on the application form, and could be determined, if at all, only by handwriting.

(3) Interrogatory No. 15(c): No written or oral examinations are given to job applicants for Sewing Machine Operator.

(4) Interrogatory No. 15(d): An objection has been filed contemporaneously herewith.

(5) Interrogatory No. 15(e): An objection has been filed contemporaneously herewith.

(6) Interrogatory No. 15(f): Only if the refusal to hire was based solely on the applicant's not being a U. S. citizen might the reason for not hiring appear on the job application.

Answer to Interrogatory No. 16: Assembly of various cut pieces of fabric and items of trim, such as thread, buttons, etc., into final garment.

Answer to Interrogatory No. 17: Farah has contemporaneously herewith filed an objection.

Answer to Interrogatory No. 18: Farah has contemporaneously herewith filed an objection.

Answer to Interrogatory No. 19: Yes.

Answer to Interrogatory No. 20: Attached.

Answer to Interrogatory No. 21: She was refused employment because she is not a citizen of the United States.

Answer to Interrogatory No. 22: No.

Answer to Interrogatory No. 23: Copy of Office Application attached.

Answer to Interrogatory No. 24: No, but the Company does require proof of U. S. citizenship.

Answer to Interrogatory No. 25: There is no inquiry on any job application form or in any interview concerning the applicant's national origin.

Answer to Interrogatory No. 26: Not applicable.

Answer to Interrogatory No. 27: No.

Answer to Interrogatory No. 28: Not applicable.

Answer to Interrogatory No. 29: Not applicable.

Answer to Interrogatory No. 30: No.

Answer to Interrogatory No. 31: No.

Answer to Interrogatory No. 32: No.

Answer to Interrogatory No. 33: There are none.

Answer to Interrogatory No. 34: Yes

DATED this 25th day of March, 1971.

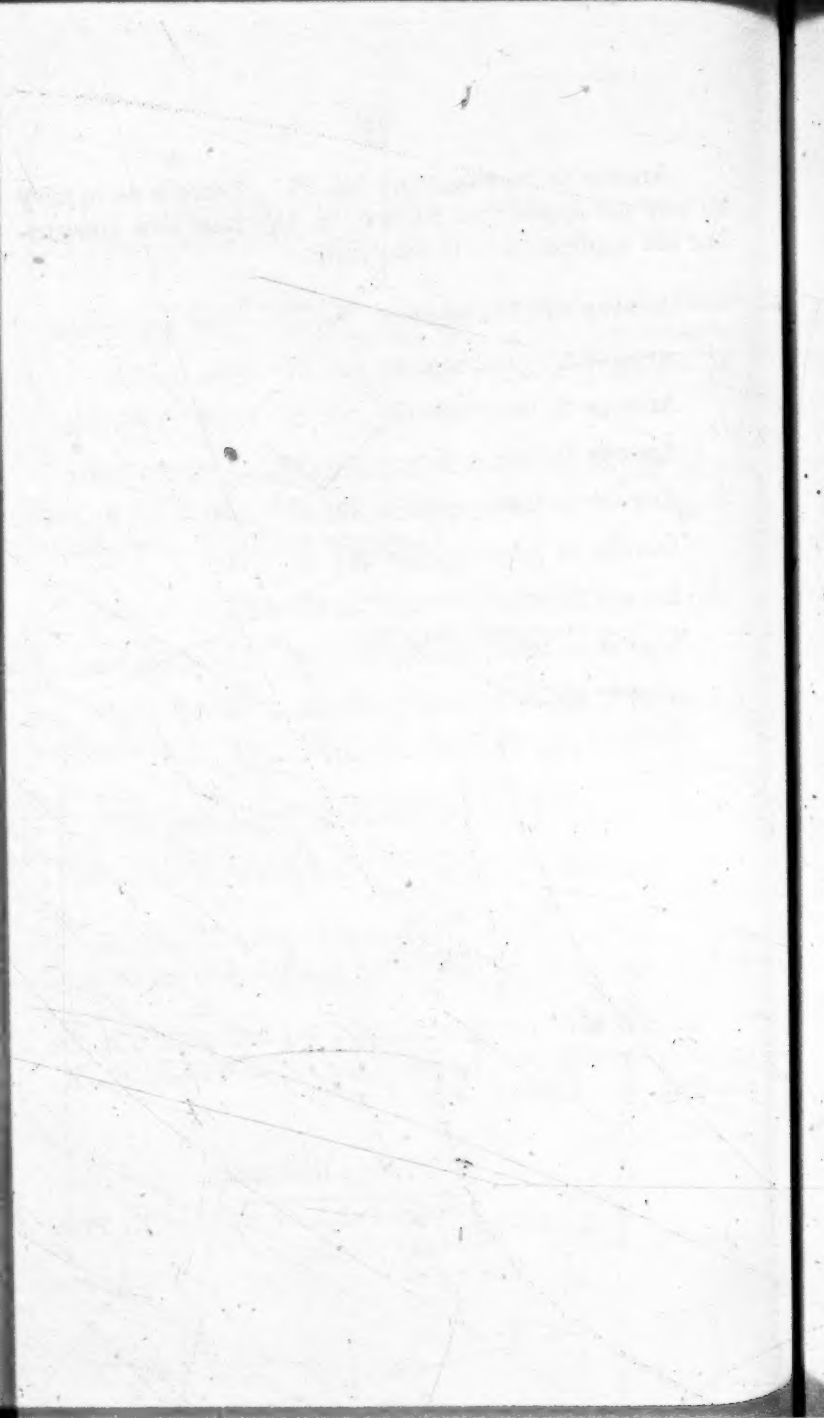
/s/ Pedro P. Villaverde, Jr.

PEDRO P. VILLAVARDE, JR.,
Secretary
FARAH MANUFACTURING
COMPANY, INC., Defendant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by PEDRO P. VILLAVARDE, JR., this 25th day of March, 1971.

/s/ Sharon E. Fries

Notary Public in and for El Paso
County, Texas



EMPLOYMENT APPLICATION

Date July 19, 1969Name Cecilia M. EspinozaAddress 612 W. Mitchell S.S. # 459-02-1038Marital Status: M S D Sep. Draft Status —Father, Husband, Wife Rudy B. EspinozaChildren 1 Care Mother

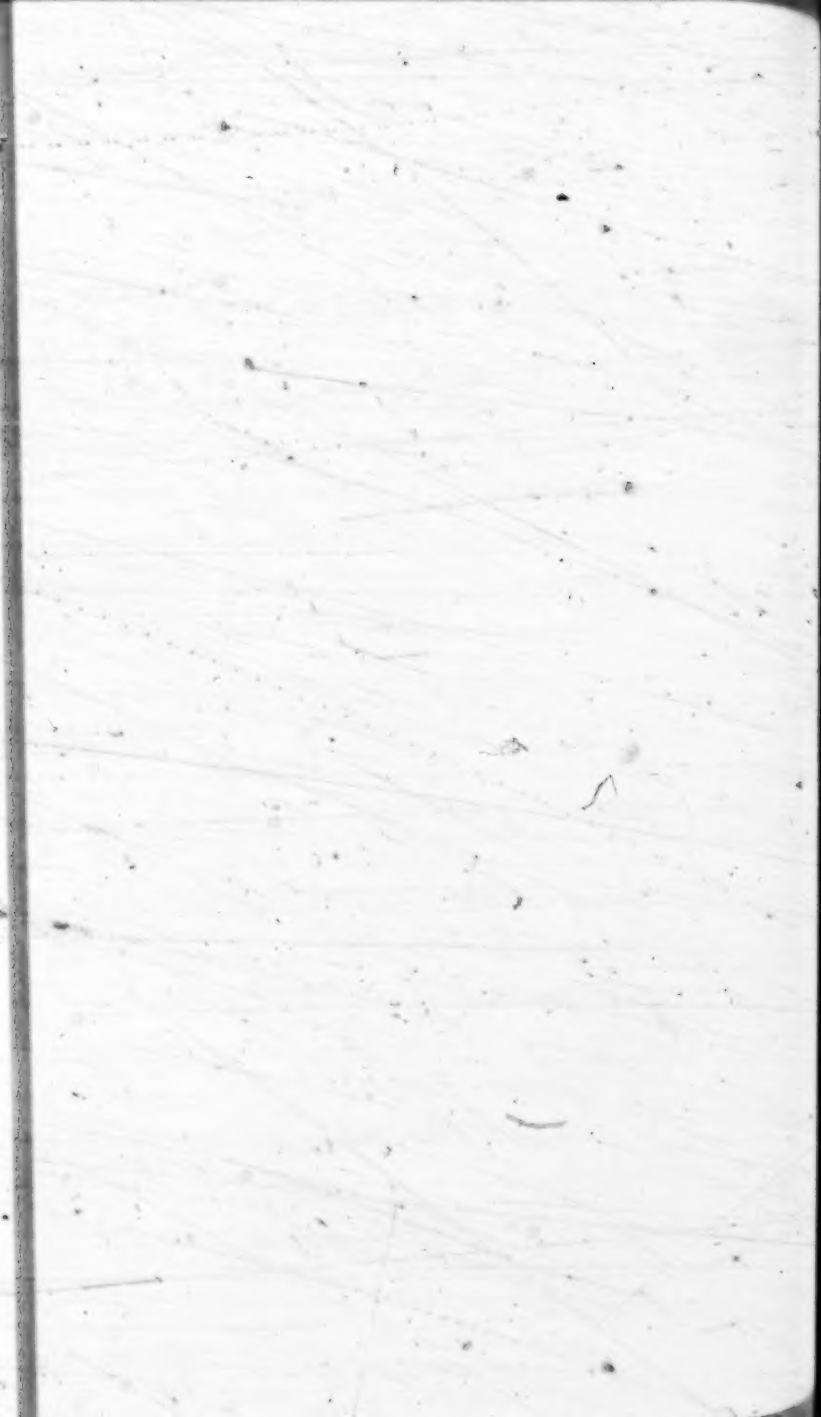
Previous Employment

Type

From

To

Brother & Sister Scorio Montez 1Friends Linda EspinozaRelatives Mother - Paula RochaEducation —Job Suited For OpenHealth GoodRemarks: —



68

47

Date _____

Married Single Divorced Children _____ Care _____

Husband or Father _____

From To Pay Rate

Saturday Work _____

Office Machines _____

Health _____

Education _____

Physical _____
Disposition _____



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed May 10, 1971]

**DEFENDANT'S AMENDED ANSWER TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

PEDRO P. VILLAYERDE, JR., Secretary of Defendant, FARAH MANUFACTURING COMPANY, INC., having been duly sworn, makes the following Amended Answer to written Interrogatories propounded to Defendant by Plaintiff in the above entitled case.

Although not bearing on any answer to specific interrogatories propounded to Defendant, the following information is supplied. As a result of negotiations subsequent to the execution of Defendant's Answers to Plaintiff's First Set of Interrogatories, Farah Manufacturing Company, Inc. will acquire Tex Manufacturing Company, a manufacturer of men's and boys' jeans and slacks, and Tex Management Company, on June 15, 1971. It is Farah's intention to retain all of the approximately 600 employees of Tex Manufacturing Company, with the exception of two or three management personnel.

Tex Manufacturing Company employs non-citizens of the United States. Although the exact number is unknown, the best estimate is that approximately 300 are non-citizens. Therefore, effective June 15, 1971, Farah will have in its employ approximately 300 non-citizens.

Farah does not, however, intend to hire any additional non-citizens, and it is contemplated that natural attrition will steadily deplete the number of non-citizens employed at the present Tex facility. In all respects other than that set forth in this Amended Answer, Farah's hiring policy will remain the same.

Dated this 6th day of May 1971.

/s/ Pedro P. Villaverde, Jr.,

Pedro P. Villaverde, Jr.

Secretary

**FARAH MANUFACTURING
COMPANY, INC.,**

Defendant

[Jurat Omitted]

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed June 21, 1971]

**ORDER ENLARGING TIME IN WHICH TO FILE
SUMMARY JUDGMENT & BRIEF**

This cause this day came on to be heard, upon the Motion of the Plaintiffs for an enlargement of time in which to file Summary Judgment and Brief to which there may be no objections made, and for good cause shown, it is, therefore,

ORDERED and ADJUDGED, that the Plaintiff be, and it is thereby granted until July 15, 1971, in which to file Summary Judgment and Brief.

ORDERED and ADJUDGED, this 21st day of June, 1971.

/s/ D. W. Suttle

JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed June 29, 1971]

MOTION FOR SUMMARY JUDGMENT

Comes now Petitioner, CECILIA ESPINOZA, and moves the Court, pursuant to Rule 56 of the Rules of Civil Procedure, to enter judgment for Petitioner in that there is no genuine issue as to any material fact in the action and that Petitioner is entitled to a judgment as a matter of law. As appears from the pleadings, and the affidavits attached hereto and made a part hereof, it is uncontradicted that Respondent, in refusing to hire Petitioner because she is not a United States citizen, thereby discriminating on the basis of national origin, and is in violation of Title VII of

the Civil Rights Act of 1964, 42 USC §2000 e-2, the Fifth Amendment and the equal protection clause.

Petitioner requests oral argument.

SIGNED on this the 29th day of June, A.D., 1971.

/s/ Ruben Montemayor

RUBEN MONTEMAYOR

Attorney for Petitioner

1414 Tower Life Building

San Antonio, Texas 78205

512 224-5471

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed September 21, 1971]

MEMORANDUM OF DECISION

[The decision of the District Court may be found at
pp. 10a-15a of the Petition for Writ of Certiorari.]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed September 21, 1971]

PARTIAL JUDGMENT

The Court, having considered the files and records of this case, and in accordance with the Memorandum of Decision on file herein, enters the following judgment:

It is ORDERED, ADJUDGED and DECREED that the defendant FARAH MANUFACTURING COMPANY, INC., on or about July 19, 1969, in refusing to hire plaintiff CECILIA ESPINOZA because she was not a citizen of the United States, intentionally engaged in an unlawful employment practice under 42 U.S.C. §2000e-2(a)(1), and that defendant FARAH MANUFACTURING COMPANY, INC., be, and it is, hereby, permanently enjoined, pursuant to 42 U.S.C. §2000e-5(g), from engaging in such unlawful employment practice.

Entered this 21st day of September, 1971.

/s/ D. W. Suttle

United States District Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

[Filed October 18, 1971]

NOTICE OF APPEAL

Notice is hereby given that FARAH MANUFACTURING COMPANY, INC, Defendant, appeals to the United States Court of Appeals for the Fifth Circuit from the Partial Judgment entered in this action on the 21st day of September, 1971.

Dated: October 11, 1971.

**Kenneth R. Carr
P. O. Box 9519
El Paso, Texas 79985**

**Thomas H. Sharp, Jr.
Groce, Hebdon, Fahey & Smith
911 Frost Bank Building
San Antonio, Texas 78205**

**KEMP, SMITH, WHITE,
DUNCAN & HAMMOND
1500 First National Building
El Paso Texas 79901**

By /s/ William Duncan

**WILLIAM DUNCAN
Attorneys for Defendant**

[Certificate of Service Omitted]

**OPINIONS OF THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT**

[The opinions of the Court of Appeals may be found
at pp. 1a-9a of the Petition for Writ of Certiorari.]

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

[TITLE OMITTED]

Filed: November 25, 1970

ORAL DEPOSITION OF CECILIA ESPINOZA

APPEARANCES:

LAW OFFICE OF RUBEN MONTEMAYOR

By RUBEN MONTEMAYOR, Esquire,

Appearing for Petitioners;

KEMP, SMITH, WHITE, DUNCAN & HAMMOND

By JACK RATLIFF, Esquire,

Appearing for Respondent;

RAYMOND L. RAMIREZ,

Appearing for Equal Employment Opportunity
Commission;

RUDOLFO ESPINOZA;

HENRY CASTILLO,

The Interpreter;

CECILIA ESPINOZA,
The Witness, and

LYNN MILLHOLLON,
Notary Public and Court Reporter.

DEPOSITION upon oral examination, of the witness, CECILIA ESPINOZA, taken by the Respondent in the above entitled cause, wherein Cecilia Espinoza, Et Vir, are the Petitioners, and Farah Manufacturing Co. is the Respondent, [2] pending in the United States District Court, for the Western District of Texas, San Antonio Division, before LYNN MILLHOLLON, a Notary Public in and for Bexar County, Texas, on the 12th day of November, A. D., 1970, at the La Quinta Motel, 333 NE Loop 410, San Antonio, Bexar County, Texas, between the hours of 2:00 o'clock p.m. and 3:05 o'clock p.m., pursuant to the following agreement of counsel:

It is stipulated and agreed by and between counsel and the respective parties hereto, that the deposition of the witness named in the caption hereto, may be taken at this time and place, and that the said deposition, or any part thereof, when so taken may be used on the trial of this cause the same as if the witness were present in Court and testifying in person.

It is further stipulated and agreed by and between counsel and the respective parties hereto, that the necessity for preserving objections to the questions propounded or to the answers given, whether said objections go to the substance or the form of the questions or the answers, at the time of the taking of the deposition or any time thereafter, whether orally or in writing, is waived and that any and

all objections to this deposition, or any part thereof, may be made and urged for the first time at the time same is sought to be offered in evidence on the trial of this cause.

[3] It is further stipulated and agreed by and between counsel and the respective parties hereto, that the signature of the witness hereto is waived.

* * *

HENRY CASTILLO, the Interpreter, being first duly cautioned and sworn to translate the questions from English into Spanish, and the answers from Spanish into English, to the best of his ability, did so as follows:

CECILIA ESPINOZA,

a witness of lawful age, being first duly cautioned and sworn through the Interpreter, to tell the truth, the whole truth and nothing but the truth, testified on her oath, through the Interpreter, as follows:

DIRECT EXAMINATION

Questions by Mr. Ratliff:

MR. RATLIFF:

Let's go on the record, then, and stipulate that this deposition is taken after waiver by both parties of the necessity for notice, commission, or any other formalities for the taking of the deposition; and that the deposition may be used fully as if all formalities have been observed. Defendant waives the necessity for signature of the deposition.

Q (By Mr. Ratliff) State your full name for the record, please.

[4] A Cecilia Espinoza.

Q And your age?

A 22 years.

Q Where were you born?

A In Zaragoza, Coahuila, Mexico.

Q I understand that you do not speak English.

A No, I don't understand it.

Q When did you first enter the United States?

A The first time was about three years ago.

Q Did you enter the United States before or after you married your husband, Mr. Espinoza?

A Before.

Q And when were you married?

A March 1st, 1968.

Q Where were you married?

A Here in the United States.

Q Was that in San Antonio?

A Yes, sir.

Q How many children do you have?

A I only have one little girl.

Q And how old is she?

A She will be two years old on January 31st.

Q How old is your husband?

A My husband is 31 years.

Q Where is he employed?

[5] A TSO, Texas State Optical.

Q What does he do there?

A He repairs the frames for the glasses.

Q Has your husband ever worked for the Farah Company?

A No, sir.

Q Are you now employed?

A No, sir.

Q Have you been employed since you entered the United States?

A No, sir. I have not worked.

Q Have you made an application for employment since coming to the United States other than the application to Farah which is the subject of this case?

A No.

Q That's the only job application you have made since you came into the United States?

A Yes, sir.

Q Mr. Espinoza, you understand that you are now giving your deposition?

A Yes, sir.

Q And you understand that this is given under oath, just as if you were in the Court on the witness stand testifying?

A Yes, sir.

Q I want you to be sure and stop and ask me to clarify [6] anything that I ask you that you don't fully understand.

A All right.

Q Would you do that?

A Yes, sir.

Q What is the extent of your schooling or education?

A I went to primary only.

Q And where was that?

A In Mexico.

Q Where in Mexico?

A Zaragoza, Coahuila, Mexico.

Q And primary means how many grades of school?

A In Mexico, the primary means only six years of schooling.

Q So you have completed six years of grammar school?

A Yes, sir.

Q Is your husband a United States citizen?

A Yes, sir.

Q How did he obtain his citizenship, by birth or naturalization?

A Birth.

Q And I believe you said you were born in Mexico?

A Yes, sir.

Q Have you considered applying for United States citizenship?

A Yes, sir, because I'm going to live here. My husband lives here.

[7] MR. RATLIFF:

Do you want to go off the record a minute?

(A discussion was had off the record.)

Q To be sure you understand me, do you now intend to apply for citizenship in the United States to be a citizen?

A Yes, sir.

Q Have you taken any steps to become a citizen?

A Yes, sir.

Q And what have you done?

A I was in school, but only remained two months.

Q And when was that?

A That was in the year 1968.

Q Have you done anything else toward becoming a United States citizen?

A No, sir.

Q Do you know how long it takes you to become a citizen?

A Yes, sir.

Q And how long is that?

A I think it's four or five years.

Q Do you know what you have to do in order to become a United States citizen?

A Yes, sir.

Q And as soon as you are able to, do you intend to become a citizen, if that's possible?

[8] A Yes, sir.

Q As far as you know, is there anything which will keep you from becoming a citizen?

A Not up to the present time, except I don't know how to speak English.

Q Do you intend to learn how to speak English?

A Yes, sir.

Q I believe you said your husband speaks English?

A Yes, sir.

Q And is he helping you to learn English?

A A little.

Q And is he helping you with the steps to become a citizen?

A I believe so.

Q When did you first have anything to do with Farah Manufacturing Company insofar as looking for a job is concerned?

A It was in June of '69.

Q Did you apply for a job at Farah?

A Yes, sir.

Q And where did you do that?

A At the plant.

Q Was that at an employment office at the plant?

A Yes.

Q Did you complete some written forms for application?

A Yes. I filled out the application.

[9] Q All right. What else did you do in connection with applying for the job?

A I filed my application, and eight days later I went back to check.

Q And what did you find out?

A I talked to the young lady. She saw my application and told me—she said that I could not be employed because I was not an American citizen.

Q And do you know the name of the lady who talked to you at that time?

A No, sir.

Q All right. What did you do then?

A I told her that my husband was a citizen of the

United States, that I was residing here, that my husband was residing here, and that I had a little girl.

Q And then what happened?

A She said it was a company regulation.

Q All right. Did you have any other conversation with her or anyone else from Farah Manufacturing?

A Not with her, no. I called my husband and I told him I had not been employed because I was not an American citizen, and my husband called back.

Q He called to Farah, is that right?

A Yes, and he talked to the young lady with whom I had spoken, and she told him the same thing.

[10] Q All right. Then what happened?

A My husband told her that he thought it was discrimination and that he was going to do something about it, and he filed a complaint with the lawyers that are in charge of discrimination.

Q Did he at that time file the complaint with the EEOC, or did he first contact Mr. Montemayor?

A He filed the complaint with the EEOC.

MR. MONTEMAYOR:

May I interrupt a little bit?

MR. RATLIFF:

Do you want to go off the record?

(A discussion was had off the record.)

MR. RATLIFF:

Back on the record.

Q Did you or did your husband or did both of you talk to the people at the EEOC about this situation?

A Both of us spoke to them.

Q And what did they do, if anything, about your complaint?

A I first talked to a gentleman, and then I understand he was going to withdraw from it or resign, and then another gentleman went to my house, and he was going to follow up on the complaint.

MR. RATLIFF:

Off the record just a minute.

(A discussion was had off the record.)

[11] Q Do you know the name of the man who said he was going to follow up on the complaint?

A I think it's Mr. Villarreal.

Q And did he handle your claims from then on?

A Yes.

Q Did you appear at any hearing of any kind or give any sworn testimony in connection with his investigation?

A No.

Q You didn't attend any deposition or give any sworn testimony such as you are giving here today?

A Well, Mr. Villarreal asked me some questions.

Q And these were just personal questions that he asked you in interviewing you, is that correct?

A Yes, sir.

Q Well, you were not involved in any administrative proceeding or hearing involving a presentation to the Commissioner or involving sworn testimony before the EEOC?

A No, sir.

MR. MONTEMAYOR:

She did make an affidavit.

MR. RATLIFF:

She did make an affidavit?

MR. MONTEMAYOR:

Yes.

Q Since those initials are kind of a mouthful for both of us, Mrs. Espinoza, I will refer to the EEOC from now [12] on as the Commission.

A All right.

Q Mrs. Espinoza, you need not answer this if you don't know the answer. As I understand it, you are not claiming that you were denied employment because of your Mexican ancestry?

A No, sir.

Q In other words, it is generally recognized, is it not, here in San Antonio that the Farah Company hires a large number of Mexican American citizens in its business?

A Yes, sir.

Q Your complaint is that you have been discriminated against because of citizenship only, is that correct?

A Yes, sir.

Q What is your present classification with regard to citizenship? Are you a resident alien?

A Yes, sir.

Q And as a resident alien, aren't you required to fill out certain forms or register at certain times?

A Yes, sir.

Q How often do you register?

A Every year.

Q And where do you do that?

A You get little cards which you fill out and send them.

[13] Q Aren't you also required to notify the same authorities of any change of address or change of city?

A Yes, sir.

Q Have you ever applied for employment with the United States Federal Government?

A No, sir.

Q Are you aware that the United States Government does not employ persons other than United States citizens?

A No, sir.

Q Are you aware of anyone else in your circumstances at present who is either a party to this suit or who intends to become a party to this suit?

A I know that girl that also went, and I believe they told her the same thing.

Q So far as you know, she is not represented to Mr. Montemayor at this time?

A No, sir.

Q As I understand you, you have never held a job other than as wife and mother since you have been in the United States?

A Yes, sir.

Q And what job was that? Are you saying you have not held a job in the United States?

A I have not had any employment here.

Q Now, your little girl was born when?

[14] A. January 31st.

Q In what year?

A '69.

Q What did you plan to do about your baby if you had obtained employment?

A My mother was going to take care of her.

Q At the employment office, were you given any other reason for denial of employment other than your not having United States citizenship?

A No, sir. That was the only reason.

Q Have you ever held a job for pay in Mexico?

A Yes, sir. I worked in a store.

Q Where was that and what kind of a store was it?

A In Zaragoza, Coahuila, Mexico, in a grocery store.

Q Have you ever worked anywhere else for pay?

A Not here.

Q Or in Mexico?

A No, sir. That was the only place, at that store.

Q How long did you work there?

A About eight months.

Q What did you do?

A I was a clerk.

Q How much were you paid?

A I was earning ten pesos a day, ten Mexican pesos a day.

Q What particular job did you apply for at Farah?

[15] A As a seamstress.

Q Do you have any experience as a seamstress?

A No, sir.

Q As I understand it, the application at Farah was the only application for employment you have made since you came to the United States?

A Yes, sir.

Q Do you know the date on which you say you were denied employment because of your non-citizenship?

A I don't know the exact date, but it was in June.

MR. MONTEMAYOR:

Jack, do you want to know the date?

MR. RATLIFF:

Yes. I would like to have it.

MR. MONTEMAYOR:

July 19th, 1969.

MR. RATLIFF:

That was the date of the denial, not the application.

MR. MONTEMAYOR:

Oh, yes. Let's see. This is what appears in the charge of discrimination, a copy of which I have. It's July 19th, 1969. Is that correct? Well, she applied for employment for a machine operator, and it was responded to on July 19th, 1969. Now, the following month, August 11th, filing of the charge, and then — I don't have any date that —

MR. RATLIFF:

Well, off the record just [16] a minute.

(A discussion was had off the record.)

MR. RATLIFF:

Let's go back on the record.

Q (By Mr. Ratliff) Mrs. Espinoza, your attorney has supplied some information I'm going to give you and ask you, so far as you know, if that is correct —

A All right.

Q — that you signed an affidavit and charge of discrimination on August 9th, 1969?

A Yes.

Q That the complaint or charge of discrimination was filed with the Commission on August 11th, 1969?

A Yes, sir.

Q That's on August 11th, 1969?

A Yes, sir.

Q That the discrimination which is complained of here allegedly took place on July 19th, 1969?

A Yes.

MR. MONTEMAYOR:

She's got it there in this letter. Would you show it to the attorney? Off the record.

(A discussion was had off the record.)

(Respondent's Exhibit No. 1 was thereupon marked for identification by the [17] Reporter.)

Q (By Mr. Ratliff) All right. Mrs. Espinoza, we have marked the copy of the letter which you handed me as Respondent's Exhibit No. 1, and I want to ask you if that's a copy of a letter which your husband wrote to the Commission?

A Yes.

Q And are the facts that he has stated in there true, to the best of your knowledge?

A Yes, sir.

MR. RATLIFF:

We can translate that for you if you would like. Why don't you read her the translation, if you will?

(The Interpreter thereupon read the referred to instrument.)

MR. MONTEMAYOR:

It doesn't mention anything about legal residence, but it doesn't make any difference.

Q Okay. Now that this Respondent's Exhibit No. 1 has been translated, Mrs. Espinoza, do you believe that the information in that letter is correct?

A Yes, sir.

Q I understand that your sister-in-law is employed by Farah, is that right?

A She was.

[18] Q And when did she terminate her employment with them?

A I don't know exactly when.

Q Do you know under what circumstances she left Farah?

A I believe that she was not able to work and at the same time take care of her house.

Q Do you know who was hired for the job for which you were applying?

A No, sir.

Q Do you understand that those were persons who were Mexican Americans with Mexican ancestry, but who are United States citizens?

A Yes, sir.

Q I may have asked you this, but what is your street address in San Antonio?

A 1229 Pleasanton.

Q In your complaint in this case, your attorney has alleged that you have been damaged in the sum of \$3,968.00 because of the denial of employment. Do you know how that figure was computed?

A No, sir.

MR. RATLIFF:

Off the record just a minute.

(A discussion was had off the record.)

MR. RATLIFF:

Back on the record.

Q (By Mr. Ratliff) For the record, I understand from [19] counsel that the sum represents the amount of earnings from the time of denial of employment up to the time of the filing of the complaint.

A Yes.

Q On August 18th, apparently you were sent a certified notice from the Commission which told you of a right to sue within 30 days?

A Yes, sir.

Q Do you recall receiving that notice? I'll show you a copy of it.

A I think I have it here. (Indicating)

Q All right. You are showing me a copy of a certified letter that you received signed by Mr. Lee Williams. Do you know on what day you received that letter?

A Not exactly.

Q Well, if the record showed that it was mailed to you from a San Antonio address on the 18th, is it reasonable to assume that you received that on the 19th of August, 1970?

A Yes, sir.

Q So as far as you know now, you received that on the 19th of August, is that right?

A Yes, sir.

MR. RATLIFF:

Do you have any objection if I mark and attach this?

[20] MR. MONTEMAYOR:

Go ahead.

(Respondent's Exhibit No. 2 was thereupon marked for identification by the Reporter.)

Q Now, do you have any other papers in your personal possession, Mrs. Espinoza, which relate to this case?

A No, sir.

Q The letter you have there is not related to this?

A Oh, yes. I think this is the last one.

Q May I see that one, too?

A (Indicating)

MR. RATLIFF:

Do you mind if I mark this, too?

MR. MONTEMAYOR:

No. I don't even know what it is.

MR. RATLIFF:

It's just the background. Off the record.

(A discussion was had off the record.)

(Respondent's Exhibit No. 3 was thereupon marked for identification by the Reporter.)

Q All right. We have marked that as Respondent's Exhibit No. 3, and I will ask you, Mrs. Espinoza, if Respondent's Exhibit No. 3 is a letter which you received apparently from the Commission?

[21] A Yes, sir.

Q All right. Now, do you have any other letters or copies of letters or any other thing in writing that has anything to do with this case in your personal possession?

A No, sir. That's all.

Q Have you or your husband ever been the Plaintiff or Defendant in a lawsuit before?

A No, sir.

Q Have either of you ever filed a claim of discrimination under any law?

A No, sir.

Q How long has your husband worked for TSO?

A I think it's been two years.

MR. RATLIFF:

Pass the witness.

MR. MONTEMAYOR:

No questions.

MR. RATLIFF:

Thank you very much, Mrs. Espinoza.

(Signature waived.)

[22]

STATE OF TEXAS :

:

COUNTY OF BEXAR :

I, LYNN MILLHOLLON, a Notary Public duly commissioned and qualified in and for the County of Bexar, State of Texas, do hereby certify that there came before me on the 12th day of November, A. D., 1970, at 2:00 o'clock p.m., at the La Quinta Motel, 333 NE Loop 410, San Antonio, Bexar County, Texas, the following named person, to-wit: CECILIA ESPINOZA, who was by me duly sworn, through the Interpreter, to testify to the truth and nothing but the truth of her knowledge touching and concerning the matters in controversy in this cause; that she was thereupon carefully examined upon her oath, through the Interpreter, and her examination reduced to typewriting under my supervision; that the deposition is a true record of the testimony given by the witness; and that the signature of the witness hereto is waived.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set [23]
my hand and affixed my Notarial seal on this the 19th
day of November, A.D., 1970.

s/ Lynn Millhollon

LYNN MILLHOLLON
Notary Public in and for
Bexar County, Texas.

My Commission expires the 1st day of June, A.D., 1971.

24

Respondents Ex. #1
the
1/12/70

Mr. Rudolfo Espinoza
 612 W. Mitchell
 San Antonio, Texas 78204

Equal Opportunity Federal Bldg.
 Room G-115 Federal Bldg.
 Austin, Texas 78701

Dear Sirs:

I am writing you in regards to certain events that took place, Sat. July 19, 1969. This particular day, My wife (Mrs. Cecilia Espinoza) applied for a position with the Farah Mfg. Co., 1000 Frio City Rd., San Antonio, Texas. While she was there, they gave her an application to fill out. On completing the application, they advised her that they would notify her by mail.

A week elapsed and not hearing from them, my wife took it upon herself to contact the personal office. While there, they pulled her application out and informed her that she could not be employed thereas "she was not an American citizen", having been born in Mexico. She contested this by stating that she was married to an American citizen, who was born in San Antonio, Sept. 17, 1939. They ignored her and she was forced to leave.

I have taken it upon myself to ask your department for possible help in this matter, as I called the personal office myself and they gave me the same reason. Rather than make an issue with them, I am placing this matter in your hands and at the same time, thanking you for your anticipated cooperation in this matter.

Sincerely,

Rudolfo Espinoza

RE:lp



25
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 REGIONAL OFFICE
 300 E. 8th STREET
 AUSTIN, TEXAS 78701

AREA CODE 512
 478-6611

August 18, 1970

CERTIFIED NO. 4379319
 RETURN RECEIPT
 REQUESTED

CASE YAU 196
 CHARGE YAU 0096
 RESPONDENT, Farah Mfg. Co.

Respondent's (B) 11/12/70

Mrs. Cecilia Espinosa
 1229 Pleasanton Road, Apt. 2
 San Antonio, Texas 78214

Dear Mrs. Espinosa:

Enclosed is your NOTICE OF RIGHT TO SUE WITHIN THIRTY DAYS which you requested. Also enclosed is a copy of your charge and a pre-addressed post card. Should you decide to sue, please have the attorney complete and mail the card as soon as possible.

I regret that the Commission has been unable to obtain voluntary compliance with Title VII of the Civil Rights Act of 1964.

Please let my office know if you have any questions.

Sincerely,

Lee G. Williams
 Lee G. Williams
 Regional Director

Copies to:

☒ Espinosa - Regular Mail

Farah Manufacturing Co.
 1000 Frio City Road
 San Antonio, Texas 78207

Farah Mfg. Co.
 8869 Gateway West
 El Paso, Tx. 79925

Fulbright, Crocker, Freeman, Bates & Javorski,
 Attorneys, 900 Travis, Houston, Texas

Bill to be mailed "certified"



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
REGIONAL OFFICE
300 E. 8TH STREET
AUSTIN, TEXAS 78701

Area Code 512
479-5611

July 23, 1970

Re: Espinoza v. Parah Mfg. Co., Inc.
Case No. YAOO-196

Respondent's Ex. 13
(Enc)
11/13/71

Mrs. Cecilia Espinoza
1229 Pleasanton Road, Apt. 2
San Antonio, Texas

Dear Mrs. Espinoza:

We regret to inform you that our efforts to resolve your case on a pre-decision basis have failed. The company's position is that they will not settle with or without a decision and that they are prepared to go to the Supreme Court if necessary.

Under our new procedures, we will have our Decisions and Interpretations Division prepare or draft a decision in the case.

You may at any time, however, request your "notice-of-right-to-sue." You will then have thirty (30) days in which to file suit in Federal District Court against the Respondent in this case.

We regret that we were unable to settle your case at this level. If you have any questions or if we may assist you in any way, please let us know.

Sincerely,

Das Gonzales
Das Gonzales
Chief of Conciliations
Austin Regional Office

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

[TITLE OMITTED]

[Filed Feb. 19, 1971]

STIPULATION

It is stipulated by the undersigned that the attached papers constitute the entire file relating to the captioned cause compiled by the Equal Employment Opportunity Commission, and that each entry in the said file shall be qualified in all respects as if it had been properly authenticated as a business or government record, and fully as if the appropriate government employee had identified and authenticated its contents.*

KEMP, SMITH, WHITE,
DUNCAN & HAMMOND
1500 First National Building
El Paso, Texas 79901

By: s/ William Duncan

WILLIAM DUNCAN,
Attorneys for Defendant
Farah Manufacturing
Company, Inc.

s/ Ruben Montemayor,

RUBEN MONTEMAYOR,
Attorney for Plaintiffs

*In the interest of authenticity and accuracy, the following documents have been photostatically reproduced to preserve the handwriting and marks on them even though this resulted in a small type face for certain of the printed material.

28
TITLE PAGE

CONTROL CARD DATA

Date of Initial Contact with C.P.: 2/4/70
 Date of 10-day Letter: 2/17/70
 SIC Code: _____ #EE'S: 625

CHARGING PARTIES:

1 CHARGE NO.: TAU 0-0096
 NAME: Mrs. Odette Espinoza
 ADDRESS: 115 Baseball
San Antonio, Texas
 PHONE: 1433-7768

2 CHARGE NO.: TAU
 NAME:
 ADDRESS:
 PHONE: 1 -

3 CHARGE NO.: TAU
 NAME:
 ADDRESS:
 PHONE: 1 -

4 CHARGE NO.: TAU
 NAME:
 ADDRESS:
 PHONE: 1 -

RESPONDENTS:

1 NAME: Farah Mfg. Co.
 ADDRESS: 1002 Fair City Rd.
San Antonio, Texas 78207
 PHONE: 1 -

PARENT'S
 NAME: Farah Mfg. Co.
 ADDRESS: 8818 Gateway Blvd.
EL Paso, Texas 79925
 PHONE: 915 1281-4444

ATTORNEY OF
 RECORD:
 ADDRESS:
 PHONE: 1 -

2 SECOND
 RESPONDENT:
 ADDRESS:
 PHONE: 1 -

PARENT'S NAME:
 ADDRESS:
 PHONE: 1 -

ATTORNEY OF
 RECORD:
 ADDRESS:
 PHONE: 1 -

SUMMARY OF CHARGES

BASIS	CHARGE	RECOMMENDATION
<i>Political Origin - SIA</i>	<i>Failure to hire - Not an American Citizen</i>	<i>Concise</i>

PERSONS CONTACTEDCHARGING PARTY'S WITNESSES:

1 NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

2 NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

2 NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

RESPONDENT'S WITNESSES:

NAME: *Mr. William French*
 ADDRESS: *1917 Culbuck Rd*
El Paso, Texas 79905
 PHONE: *915 659-4444*
 TITLE: *President*

NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

OTHERS:

NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

NAME: _____
 ADDRESS: _____
 PHONE: / - _____
 TITLE: _____

PERSONS CONTACTED, CONTINUEDCHARGING PARTY'S WITNESSES:RESPONDENT'S WITNESSES:OTHERS:

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PHONE: / -
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DATES

Date of Alleged Violation:	<u>7-19-69</u>
Filing Date:	<u>1-9-69</u>
Date Assigned to Investigator:	<u>1-26-70</u>
Date of Service of Charge:	<u>2-12-70</u>
Date Draft Report Completed:	<u>2-27-70</u>
Date Report Typed:	<u>- -</u>

NAME OF INVESTIGATOR: Raymond Pittcock , AUSTIN

TABLE OF CONTENTS

TAB

B

JURISDICTIONAL ITEMS

Sworn Charge and Receipt for Service
 Attachments Served
 Correspondence Received:
 Telegram Received:

BA

CHARGING PARTY'S STATEMENTS

Affidavits and Interviews
 Correspondence

B-1
B-2

* STATEMENTS BY WITNESSES FOR CHARGING PARTY

BC-

STATEMENTS BY WITNESSES FOR RESPONDENT

Interview with Mr. William French - President

BD-

RESPONDENT'S STATEMENT OF POSITION: Copy of 1067 letter dated 2/19/70
 letter from Respondent's Attorney dated 2/16/70

BE

Reply of Respondent

No copy of Parent letter - Charge served to President

* RECORDS: From the Charging Party

BF

*RECORDS: From the Respondent

OF

*OTHER WITNESSES

OG

TOUR OF FACILITIES *Tour of facilities was conducted at site.*

OH

KEO REPORTS *About 90 % of work force is SSA*

OI

COMMUNITY BACKGROUND DATA *About 50% of population is SSA.*

OJ

*UNION CONTRACT

OK

*OTHER ITEMS

OL

*IRRELEVANT MATERIAL

OM

*Indicates TAB Letters Which Are Not Used.

REGIONAL DIRECTOR'S FINDINGS OF FACTS

Mrs. Rudolfo Espinoza
Charging Party

TAUO-0096

vs

Farah Manufacturing Company
San Antonio, Texas
Respondent

Date of alleged violation: July 19, 1969
Date of filing of charge: August 11, 1969
Date of service of charge: February 12, 1970

1. Charging Party alleges that Respondent Employer has engaged in an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 by refusing to hire her because of her national origin (Spanish Surnamed American, non-USA citizen). Respondent denies the charge.
2. Respondent's San Antonio plant employs 625 persons, of whom 95 percent are Spanish Surnamed Americans and 1.2 percent are Negroes.
3. Respondent, an industry affecting commerce, engages in the manufacture of clothing.
4. Charging Party, a Spanish Surnamed American female, is not a citizen of the U.S.A. ^{although} she is married to ^{one,} a Spanish-Surnamed American, a citizen of the U.S.A., San Antonio, Texas.
5. Charging Party states that she applied for employment as a machine operator with Respondent on July 19, 1969. Charging Party states that the reason given to her for not hiring her was that she is not a citizen of the U.S.A.
6. Respondent's president and the attorney of record state that Respondent has historically and consistently enforced an "unwritten" company policy to hire only persons who are citizens of the U.S.A. These officials give no reason for the existence of this policy.
7. Respondent's president states that there has been only one exception to this policy, however, he refused to furnish the investigator with the name of such employee.

Espinoza vs Parah Manufacturing Company, TAUO-0096

Page

I 8. Respondent's employee distribution report shows that 95 percent of its employees are Spanish Surnamed Americans. Eighteen out of the twenty-two employees classified as "skilled and above" are Spanish Surnamed Americans.

B 9. Charging Party states in her affidavit that she believes that the persons hired instead of her, were Spanish Surnamed Americans and citizens of the U.S.A.

B 10. Charging Party's sister-in-law, ^{SPANISH SURNAMED} a U.S.A. citizen, is employed by Respondent.

11. I find that the issue in this case is "citizenship" and not national origin.

12. I find no evidence in the record which indicates that Respondent did not hire Charging Party because of her national origin.

11. I find that Respondent Employer's hiring practices are discriminatory against non-citizens of the U.S.A., and that it did not hire Charging Party because she is a non-citizen of the U.S.

FEDERAL REGISTER

VOLUME 35

NUMBER 8

Tuesday, January 13, 1970

Washington, D.C.



Page 421

Title 28—USCA

Chapter XIV—Equal Employment Opportunity Commission

PART 1606—GUIDELINES ON DISCRIMINATION BECAUSE OF RACE OR NATIONAL ORIGIN

By virtue of the authority vested in it by section 7171 of the Act to U.S.C., section 2000e-10(a), the Commission hereby issues Title 28, Chapter XIV, § 1606.1 in the Code of the Federal Regulations.

Because the provisions of the Administrative Procedure Act (5 U.S.C. 551) require notice of proposed rule-making opportunity for public participation, and since the Commission rules are susceptible to those interpretative rules, the guidance of its proposed administrative procedure and shall be applicable with respect to charges pending before or heretofore filed with the Commission.

§ 1606.1 Guidelines on Discrimination Because of Race or National Origin

(a) The Commission is aware of the widespread problem of discrimination on the basis of racial origin, and it intends to apply the full force of law to eliminate such discrimination. The burden of responsibility for such discrimination as it pertains to national origin cases shall be hereby established.

(b) Title VII is intended to eliminate racial as well as the color, ancestry of discrimination, and the Commission has, therefore, issued this guideline concerning cases where persons within the jurisdiction of the Commission have been denied equal employment opportunities for reasons which are based on national origin and ancestry. The scope of cases of this category which come to the attention of the Commission includes the use of race in the hiring process, where the individual is denied employment from circumstances where the race was not a factor, but the individual is not a member of the race, and the race of the individual is not a factor in the hiring process. The Commission is aware of the fact that the Commission is not a factor in the hiring process, and the Commission is not a factor in the hiring process.

(c) Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race and national origin, and the Commission is aware of the fact that the Commission is not a factor in the hiring process, and the Commission is not a factor in the hiring process.

(d) Federal discrimination on the basis of race and national origin is prohibited by Title VII of the Civil Rights Act of 1964, and the Commission is aware of the fact that the Commission is not a factor in the hiring process, and the Commission is not a factor in the hiring process.

(e) In addition, some States have enacted laws which are the equivalent of Title VII of the Civil Rights Act of 1964, and the Commission is aware of the fact that the Commission is not a factor in the hiring process, and the Commission is not a factor in the hiring process.

(f) This guideline is effective upon publication.

Signed at Washington, D.C., this 10th day of January 1970.

James M. Brown, Jr., Chairman

John W. Smith, Jr., Vice Chairman

John W. Smith, Jr., Vice Chairman



36
 ANNUAL EMPLOYMENT OPPORTUNITY COMMISSION
 REGIONAL OFFICE
 300 E. 9th STREET
 AUSTIN, TEXAS 78701

Area Code 512
 478-0311

REGIONAL DIRECTOR'S FINDINGS OF FACTS

Cecilia (Rudolfo) Espinoza
 Charging Party

Charge No. TAUO-0096

vs.

Farsh Manufacturing Co., Inc.
 San Antonio, Texas
 Respondent

Date of alleged violation: July 19, 1969
 Date of filing of charge: August 11, 1969
 Date of service of charge: February 12, 1970

1. Charging Party alleges that Respondent Employer has engaged in an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 by refusing to hire her because of her national origin (Spanish Surnamed American - not a United States citizen). Respondent denies the charge.
2. Respondent's San Antonio plant employs about 625 persons, of whom ninety-five percent are Spanish Surnamed Americans.
3. Respondent engages in the manufacturing of clothing, an industry affecting commerce.
4. Charging Party, a Spanish Surnamed female, is not a citizen of the United States, although she is married to a citizen and is a resident of San Antonio, Texas.
5. Charging Party states that on July 19, 1969, she applied for employment by Respondent as a machine operator; Charging Party states that she was not hired, and that the reason given was that she is not a citizen of the United States.

Forah Manufacturing Co., Inc.

Page 2

6. Respondent's president and the attorney of record stated that Respondent has historically and consistently enforced an "unwritten" company policy to hire only persons who are citizens of the United States. These officials give no reason for the existence of this policy.

7. Respondent's president stated that there has been one exception to this policy, but has

8. Respondent's president refused to furnish the investigator with the name of such employee.

9. Charging Party's sister-in-law, a Spanish Surnamed United States citizen, is employed by Respondent.

10. I find no evidence in the record, which indicates that Respondent did not hire Charging Party because she is Spanish Surnamed.

11. However, Charging Party states that she believes that the persons hired instead of her were Spanish Surnamed but citizens of the United States.

12. I find that Respondent Employer rejects persons who are not United States citizens, and that there is no valid business reason for such rejection. I find that it did not hire Charging Party because she is not a citizen of the United States.

13. To be submitted
by August 10
surprise this

Date

Lee G. Williams
Regional Director
Austin Regional Office

13. There is no evidence in the record that the Respondent's policy of employing only citizens of the United States is related to the interests of national security.

38

Farah Manufacturing Co., Inc.

Page 2

6. The Respondent's president and its attorney of record stated that the Respondent has historically enforced an unwritten company policy to hire only persons who are citizens of the United States. These officials gave no reason for the existence of this policy.
7. The Respondent's president stated that there has been one exception to this policy, but he, the Respondent's president, refused to furnish the investigator with the name of such employee.
8. The Charging Party's sister-in-law, a Spanish Surnamed United States citizen, is employed by Respondent.
9. The Charging Party stated that she believed that the persons hired instead of her were Spanish Surnamed citizens of the United States.
10. The evidence in the record does not establish that Respondent refused to employ Charging Party because she is Spanish Surnamed.
11. The Respondent Employer rejects these applicants for employment who are not United States citizens. ✓
12. The Respondent refused to employ the Charging Party because she is not a citizen of the United States.
13. There is no evidence in the record that the Respondent's policy of employing only citizens of the United States is related to the interests of national security.

Date _____

Lee G. Williams
Regional Director
Austin Regional Office

REGIONAL DIRECTOR'S FINDING OF FACT

Cecelia (Rudolfo) Espinoza
Charging Party

Case No. YAUO-196

vs.

Farah Manufacturing Co., Inc.
San Antonio, Texas
Respondent

Date of alleged violation:
Date of filing of charge:
Date of service of charge:

July 19, 1969
August 11, 1969
February 12, 1970

1. The Charging Party alleges that the Respondent employer has engaged in an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 by refusing to hire her because of her national origin (Spanish Surnamed--not a United States citizen). The Respondent denies the charge.
2. The Respondent's San Antonio plant employs about 625 persons, of whom ninety-five percent are Spanish Surnamed Americans.
3. The Respondent engages in the manufacturing of clothing, an industry affecting commerce.
4. The Charging Party, a Spanish Surnamed female, states that she is not a citizen of the United States, although she is married to a citizen and is a resident of San Antonio, Texas.
5. The Charging Party states that on July 19, 1969, she applied for employment by the Respondent as a machine operator; that she was not hired, and that the reason given her was that she is not a citizen of the United States.

Farah Manufacturing Co., Inc.
Case No. YAUO-196

Page 2

6. The Respondent's president and its attorney of record stated that the Respondent has historically enforced an unwritten company policy to hire only persons who are citizens of the United States. These officials gave no reason for the existence of this policy.
7. The Respondent's president stated that there has been one exception to this policy, but he refused to furnish the investigator with the name of such employee.
8. The Charging Party's sister-in-law, a Spanish Surnamed United States citizen, is employed by Respondent.
9. The Charging Party stated that she believed that the persons hired instead of her were Spanish Surnamed citizens of the United States.
10. The evidence in the record does not establish that Respondent refused to employ Charging Party because she is Spanish Surnamed.
11. The Respondent Employer rejects those applicants for employment who are not United States citizens.
12. The Respondent refused to employ the Charging Party because she is not a citizen of the United States.
13. There is no evidence in the record that the Respondent's policy of employing only citizens of the United States is related to the interests of national security.

Date _____

Lee G. Williams
Regional Director
Austin Regional Office

FEDERAL
REGISTER

VOLUME 35

NUMBER 3

Tuesday, January 13, 1970

Washington, D.C.



WFO 23-14203

Chapter 107—Equal Employment • Opportunity Commission

**PART 100-GUIDELINES ON DIS-
CRIMINATION BECAUSE OF NA-
TIONAL ORIGIN**

By virtue of the authority vested in it by section 512(b) of the Act, 42 U.S.C., section 2050a-17(b), the Commission hereby issues Title 29, Chapter XIV, §160.3 in the Code of the Federal Regulations.

Because the provisions of the Administrative Procedure Act (5 U.S.C. 1901) regarding notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable to these interpretative rules, the guidelines shall become effective immediately and shall be applicable with respect to changes promulgated before or hereafter filed with the Commission.

(b) The Commission is aware of the widespread practice of discrimination on the basis of national origin, and intends to study the full force of law to eliminate such discrimination. The bona fide occupational qualification exception as it pertains to national origin cases shall be strictly construed.

(b) The Commission is aware of the widespread practice of discrimination on the basis of national origin, and intends to study the full force of law to eliminate such discrimination. The bona fide occupational qualification exception as it pertains to national origin cases shall be strictly construed.

[illegible]

(c) Title VII of the Civil Rights Act of 1964 protects all individuals, both African and non-African, domiciled or residing in the United States against discrimination on the basis of race, color, religion, sex, or national origin.

(d) Future consideration on this matter should be a subject of continued discussion with the appropriate agencies. A further investigation will be conducted or training in this area may be required. A further action can be taken if necessary. It is noted that the investigation provided for in the report is not sufficient to inform the study and persons who do not fulfill the requirements imposed in the interests of national security should be excluded from the limited access to the information of the document. The investigation of the document is responsible for the study and the study is not a subject of the study.

(b) In a letter from Zetter has suggested that possibly the capture and of Manchurian. For the various other places and some of the conditions and F.B. Institute, supported by State VII of the Civil Service Act of 1950.

1870-71, 72 2:20-2:24 6:1 6:22, 6:23, 6:28-30)

These findings are positive even
positive.

Stamp of Washington, D.C. this for
Vol. 6 of January 1910.

WILLIAM H. BROWN, JR.,
Chairman

1971, Dec 23-1972, Jan 2, 1973

U
 "AL EMPLOYMENT OPPORTUNITY C"
 REGIONAL OFFICE
 200 E. 914 STREET
 AUSTIN, TEXAS 78701

U
 "AION"
 200 E. 914 ST
 78701


REGIONAL DIRECTOR'S FINDING OF FACT

Cecelia (Rudolfo) Espinoza
 Charging Party

Case No. YA00-196

vs.

Farah Manufacturing Co., Inc.
 San Antonio, Texas
 Respondent

Date of alleged violation:
 Date of filing of charge:
 Date of service of charge:

July 19, 1969
 August 11, 1969
 February 12, 1970

1. The Charging Party alleges that the Respondent employer has engaged in an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964 by refusing to hire her because of her national origin (Spanish Surnamed--not a United States citizen). The Respondent denies the charge.
2. The Respondent's San Antonio plant employs about 625 persons, of whom ninety-five percent are Spanish Surnamed Americans.
3. The Respondent engages in the manufacturing of clothing, an industry affecting commerce.
4. The Charging Party, a Spanish Surnamed female, states that she is not a citizen of the United States, although she is married to a citizen and is a resident of San Antonio, Texas.
5. The Charging Party states that on July 19, 1969, she applied for employment by the Respondent as a machine operator; that she was not hired, and that the reason given her was that she is not a citizen of the United States.

Farah Manufacturing Co., Inc.
Case No. YAUC-196

Page 2

6. The Respondent's president and its attorney of record stated that the Respondent has historically enforced an unwritten company policy to hire only persons who are citizens of the United States. These officials gave no reason for the existence of this policy.
7. The Respondent's president stated that there has been one exception to this policy, but he refused to furnish the investigator with the name of such employee.
8. The Charging Party's sister-in-law, a Spanish Surnamed United States citizen, is employed by Respondent.
9. The Charging Party stated that she believed that the persons hired instead of her were Spanish Surnamed citizens of the United States.
10. The evidence in the record does not establish that Respondent refused to employ Charging Party because she is Spanish Surnamed.
11. The Respondent Employer rejects those applicants for employment who are not United States citizens.
12. The Respondent refused to employ the Charging Party because she is not a citizen of the United States.
13. There is no evidence in the record that the Respondent's policy of employing only citizens of the United States is related to the interests of national security.

Date _____

Lee G. Williams
Regional Director
Austin Regional Office

TITLE 29 - LABOR

Chapter XIV - Equal Employment
Opportunity CommissionPart 1601 - Procedural
RegulationsProcedure Following Filing of Charge**§ 1601.19a Field Director's findings of fact.**

Upon completion of an investigation, the Field Director will cause to be prepared and served upon the parties his findings of fact in the case, which shall contain findings of fact and the evidence upon which such findings are based.

§ 1601.19b Exceptions to Field Director's findings of fact.

(a) Within fifteen (15) days, or within such further period as the Field Director may allow, from the date of service of the Field Director's findings of fact, the parties may file such exceptions to the Field Director's findings of fact, objections, briefs and evidence in support thereof as they desire. When requested by a person not represented by counsel, assistance in the preparation of exceptions to the Field Director's findings of fact will be provided by personnel of the Field Office as deemed practicable by the Field Director.

(b) Each exception shall:

(1) Set forth the specific procedure, finding, policy, or interpretation of law or fact to which objection is taken;

(2) Identify any and all parts of the Field Director's findings of fact to which exception is taken by reference to the precise page and paragraph of the determination;

(3) State the grounds for the exception, including the citation to any authority relied upon, and a description of any factual circumstance or interpretation of facts upon which reliance is placed.

(c) Any exception to findings which is not specifically urged may be deemed waived. Any exception which fails to comply with the requirements set forth in paragraph (b) of this section may be disregarded.

(d) Within five (5) days from the date of this filing of exceptions, or within such further period as the Field Director allows, cross exceptions may be filed in the manner set forth in paragraph (b) of this section.

(e) All such exceptions and cross exceptions shall be accompanied by proof of service on all parties. The Field Director may perfect service as deemed practicable.

FEDERAL EMPLOYMENT COMMISSION
REGIONAL OFFICE
DEOR. DIVISION
AUSTIN, TEXAS 78701

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

CERTIFIED-RETURN RECEIPT
1356467

May 6, 1970

CASE NO. YACO-196
CHARGE NO. YACO-0096
Espinosa vs Farah Hlg. Co.

Mrs. Cecelia Espinosa
115 Rosebell Drive
San Antonio, Tx. 78201

Dear Mrs. Espinosa:

I am writing you about your charge of employment discrimination which is identified on our records as is shown in the upper right hand corner of this page.

On the basis of the information or evidence furnished us during our investigation, I have made Findings of Fact in my capacity as Regional Director (Field Director). These findings summarize the relevant evidence on which they are based and a copy of them is enclosed.

If you disagree with any of the findings or any statement made in them, you have the right to object in writing, using the enclosed postage-free envelope in making your reply. Your right to file such objections or exceptions to the Findings of Fact is described fully in the copy of the Commission Regulations (Sections 1601.19a and 1601.19b) which is enclosed.

If there is anything about this letter, the Findings of Fact or the Commission Regulations which you do not understand, or if you need any help, please telephone the office 512/475-5811 and we will try to help you.

If you do not call us or write us within fifteen (15) days from the time you receive this letter, we shall conclude that you have no objections to the findings.

Please remember that if you want help, you should telephone us collect, and that if you want to file written objections or exceptions or supply additional evidence, you must do so within 15 days from the day you receive this letter.

Very sincerely yours,

Lee G. Williams
Regional Director

Enclosures



EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION
REGIONAL OFFICE
300 E. 5TH STREET
AUSTIN, TEXAS 78701
May 8, 1970

Area Code 512
475-5311

CERTIFIED-RETURN RECEIPT

CASE No. YAUO-196
CHARGE No. YAUO-0096
Espinoza v. Farah Mfg. Co.

Farah Manufacturing Co., Inc.
1000 Frio City Road
San Antonio, Tx. 78207

Dear Sirs:

We have investigated the charge of employment discrimination identified above. On the basis of the information or evidence furnished us during our investigation, I have made Findings of Fact in my capacity as Regional Director (Field Director). These findings summarize the relevant evidence on which they are based and a copy of them is enclosed.

If you disagree with any of the findings or statements of evidence, or if you believe that other relevant evidence has not been considered, you may file exceptions. A copy of pertinent parts of the Commission's regulations is enclosed. A postage-free addressed envelope is also enclosed for your convenience.

Exceptions, if you wish to file any, must be filed in duplicate and I must receive them within fifteen days after your receipt of this letter.

If you desire other evidence to be considered, that evidence, in duplicate, must be submitted with the exceptions. You will note that the regulations require that your exceptions must be accompanied by proof of service on all parties.

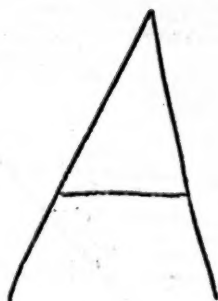
Should you desire further information or assistance in the preparation of the exceptions, please call or write me.

Very sincerely yours,

Lee G. Williams
Regional Director

Enclosures

cc: Farah Mfg. Co., El Paso, Tx.
cc: Fulbright, Crocker, Freeman, Bates & Jaworski,
Attorneys, 200 Travis, Houston, Tx.



48

CHARGE OF DISCRIMINATION

If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.

Do not check any box unless you are ready to file a charge of discrimination based on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

RECEIVED

AUG 11 1969

FEDERAL BUREAU OF INVESTIGATION

U.S. DEPARTMENT OF JUSTICE

AUG 11 1969

FEDERAL BUREAU OF INVESTIGATION

Case No. 7440-0096

(PLEASE PRINT OR TYPE)

1 Your Name (Mr., Mrs., Miss) Rudolfo EspinozaStreet Address 612 W. MitchellCity San AntonioState TexasPhone Number 924 4531Zip Code 78204

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☐ Religious Creed ☐ National Origin ☒ Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Ench Hfg. Co.Street address 1000 Frio City Rd.City San AntonioState TexasZip Code 78207

AND (other parties if any)

H. O. H. F.

4 Have you filed this charge with a state or local government agency? Yes ☐ When MONTH DAY YEAR No ☒5 If your charge is against a company or a union, how many employees or members? Under 25 ☐ Over 25 ☒6 The most recent date on which this discrimination took place: Month July Day 19 Year 1969

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I, Mrs. Rudolfo Espinoza, made application for a job as a sewing machine operator, on the date mentioned above. After making application I was told I would be notified for this job, when I was not notified after about a week. I went back to the company to inquire about my application, I was told I was eliminated from the job, by not being a citizen of the United States of America. I am married to Rudolfo Espinoza who was born in San Antonio, Bexar County, Texas on September 17, 1939, presently being a native born citizen of the United States of America. My marriage license was issued through the Bexar County Court House at San Antonio, Texas and our Marriage Certificate was issued through Judge Gutierrez who married us at his office in the same court house.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date Aug 2 1969Rudolfo Espinoza

(Type your name)

Subscribed and sworn to before me this 2day of Aug

1969

[Signature]

(Type name)

Notary Public in and for Texas

County, Bexar (Type)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will help you to get the form signed to.

Form 4572-8 (Rev. 1-64)

FORM EEOC-8 (REV. 7-68)

49



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
REGIONAL OFFICE
800 E. 5TH STREET
AUSTIN, TEXAS 78701

Form EEOC 910
6-72-5017

RECEIPT FOR SERVICE OF CHARGES

VS.

Fareh Manufacturing Company

Charge Numbers and Name of Complainants or Charging Parties

TAUD-0096 Mrs. Rudolfo Espinosa

I hereby acknowledge receipt of a copy of each complaint or charge identified and of any documents attached thereto alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964.

These documents were received from the representative of the Equal Employment Opportunity Commission identified below on Feb 12, 1970 at 1000 Frio City Road, San Antonio, Texas

The signing of this receipt for service does not constitute admission of any violation of Title VII of the Civil Rights Act of 1964 or of any other law.

Signature [Signature]

Title Plaintiff

I certify that I personally delivered the documents identified above.

[Signature]
Equal Employment Opportunity
Commission Representative

NOTE: Title VII, Sec. 706(a) of the Civil Rights Act of 1964 states that it shall be an unlawful employment practice for an employer or other respondent to discriminate against any individual because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

147

50

B

Summary of Tab

- (1) c/p applied for employment at Respondent Company on July 19, 1969, as a seamstress on sewing machine operator.
- (2) c/p told by Respondent that she could not be employed because she was not an American Citizen.
- (3) c/p told Respondent it would be five (5) years before she could become an American citizen.
- (4) c/p's ability to communicate in English is limited.

c/p Statement:

(1) Affidavit signed c/p/p

Tab B

AFFIDAVIT

STATE OF TEXAS

COUNTY OF EL PASOI, MRS. ROSALVO RODRIGUEZ (Cecilia)

AFTER BEING DULY SWORN, UPON MY OATH DEPOSE AND SAY:

I WAS BORN November 21, 1916, AND I LIVE AT 315 Baraball
(No. and street)Street , CITY OF San Antonio, COUNTY OF Parish , STATE OF TexasMY TELEPHONE NUMBER IS LA 512 924-1531I AM EMPLOYED AT CITY OF LA, STATE OF WHERE MY TELEPHONE NUMBER IS , I HAVE BEENEMPLOYED THERE SINCE , AND MY POSITION IS NOW THATOF

I MAKE THE FOLLOWING STATEMENT OF MY OWN FREE WILL:

I have had grade education which I obtained in Mexico. I have taken some English courses - West Lee House, San Antonio, Texas for two months. I am presently unemployed and have no working experience. In Mexico, I worked in a grocery store. I have no experience as machine operator.

On 3/12/1969, I went to Farmer Implement Company and filed an application for employment. I was told to return the following week, at which time they told me that I could not be considered for the job, because I was not a citizen of the United States. I was born in Mexico, but I resided in San Antonio, Texas as a child. My sister-in-law who works there, told me that they were hiring. I applied for sewing machine operator or seamstress. The persons who took my application were the Spanish-Speaking Committee. I was told that they would contact me, but when I returned the following week, I was told that I could not be hired because I had to be an American citizen. I told her that I could not be an American citizen until I would have 5 years, but that I was married to an American citizen, and we had a child who had been born here in the U.S. My husband was present, and he helped me fill out the application. I believe that the persons who were hired were Spanish-Speaking Americans (American citizens). Belinda Garcia knows of my submitting an application.

I believe that I have been denied employment opportunity because of my national origin (Mexican) and for reasons beyond my control, I have not been able to become an American citizen. Thus, I believe that I have been discriminated against by Ferrer Manufacturing Company by refusing to hire me.

I HAVE READ THE ABOVE STATEMENT CONSISTING OF 2 PAGES,
AND I SWEAR OR AFFIRM THAT IT IS TRUE, TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

SIGNED: Cecilia M. Espinoza

SUBSCRIBED AND SWORN TO BEFORE ME AT El Paso, TEXAS,
ON THE 7 DAY OF February, 1990.

[Signature]
EQUAL EMPLOYMENT OFFICER
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

54

AFFIDAVIT

TAU

STATE OF TEXAS

COUNTY OF

BEYAR

ss.

I, Cecilia Espinosa, AFTER BEING DULY SWORN, UPON
MY OATH DEPOSE AND SAY:

I WAS BORN Nov. 23, 1946, AND MY SOCIAL SECURITY NUMBER
IS 459-02-1038. I LIVE AT 115 ROSABELL
(No. and street)

CITY OF SAN ANTONIO, COUNTY OF BEYAR.

STATE OF TEXAS, AND MY TELEPHONE NUMBER IS 433 7768.

MY DUTIES AT n/a INCLUDE(ED) THE FOLLOWING:

I WORK(ED) IN THE n/a DEPARTMENT WHERE THE
FOLLOWING IS THE PRIMARY TYPE OF WORK AND OUTPUT:

MY IMMEDIATE SUPERVISOR OR LEADMAN IS (WAS) n/a
(name)

(title) : HIS SUPERVISOR IS (WAS) _____
(name)

(title) : HIS SUPERVISOR IS (WAS) _____
(name)

(title) : _____

TAU _____, PAGE 2

THE FOLLOWING PEOPLE HAVE FIRSTHAND KNOWLEDGE OF MY WORK (THE IMMEDIATE SITUATION) AND CAN TELL YOU ABOUT IT:

RACE, NAT'L. ORIGIN, SEX	NAME	TITLE	ADDRESS	PHONE
S.S.A.	Edo Luvale / Santa Monzello	1/2	P.O. Box 328 San Antonio, Tx.	PE 363-96

INCLUDING MILITARY AND TRADE SCHOOLS, I HAVE HAD THE FOLLOWING EDUCATION AND TRAINING:

DATES	LOCATION	NAME AND TYPE OF SCHOOL	TYPE OF TRAINING	DEGREE (CERTIFICATE)
1960	Zacapa CHCA.	Cecilia Cruz Andrade		None

THE FOLLOWING HAS BEEN THE MORE IMPORTANT WORK EXPERIENCE (INCLUDING MILITARY) WHICH I HAVE HAD, STARTING WITH THE MOST RECENT AND WORKING BACK:

DATES	COMPANY/ORGANIZATION	NAME, ADDRESS OF IMMEDIATE SUPERVISOR	MY TITLE & DUTIES	REASON FOR LEAVING
1964	Casa Galindo Grocery Shoe	Mrs. Mercedes Calenda Zacapa, Chm.	Check.	left Mex.

THE FOLLOWING ARE THE WARNINGS, DISCIPLINE, AWARDS, AND SO FORTH,
WHICH I HAVE RECEIVED FROM MY PRESENT (RECENT) EMPLOYER:

DATE	SUPERVISOR	ACTION AND CIRCUMSTANCES
<i>n/a</i>		

THERE ARE ~~ARE NO~~ SEGREGATED FACILITIES AT THE RESPONDENT'S
(mark out one) *n/a*
FACILITIES. (IF THERE ARE, I HAVE GIVEN AN EXPLANATION OF WHAT THEY ARE,
HOW THEY ARE SEGREGATED, WHERE THEY ARE, AND HOW I KNOW, ON THE BACK
OF THIS PAGE.)

I ~~HAVE~~ ~~HAVE NOT~~ SEEN EEO POSTERS AT THE RESPONDENT'S FACILITIES;
(mark out one)
I KNOW WHAT THE POSTERS ARE BECAUSE ONE WAS SHOWN ME WHILE I WAS PRE-
PARING THIS STATEMENT.

Cost. null.

I HAVE READ THE ABOVE STATEMENT CONSISTING OF 1 PAGE, INCLUDING ANY
PART OF IT WRITTEN ON THE BACKS OF THESE PAGES, AND I SWEAR OR AFFIRM THAT
IT IS TRUE, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

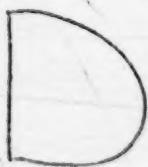
SIGNED: *Robert M. Collins*

SUBSCRIBED AND SWORN TO BEFORE ME AT 10 4th TEXAS, ON THE
DAY OF February, 1971.

[Signature]
EQUAL EMPLOYMENT OFFICER
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

161

57



Summary of Tab

- (1) Respondent stated that force made-up of 80% Mexican-Americans.
- (2) Has been unwritten policy of Respondent Company to hire American Citizens only.
- (3) One exception has been made in hiring only American Citizens only.
- (4) Respondent refused to give name of individual hired who was not an American Citizen.

Statement made by Respondent

(1) Interview with William Smith 2/14/70

Tab D

RESUME OF INTERVIEW

Mrs. Edith G. Farnell, Pres. W. C.TAU 0-0086INTERVIEW DATE 2/12/70RESUME DATE 2/27/70INTERVIEWEE(S) Mr. William Farnell HIS/HER TITLE PresidentINTERVIEWEE(S) ADDRESS 1887 Liberty Road INTERVIEWED AT 1000 Erie City Rd.
San Antonio, Tex.
(City & State)El Paso, Texas
(City & State)PHONE 915/591-4444

PHONE _____

INTERVIEWED BY Raymond R. Farnell SUGGESTED BY InvestigationINTERVIEWEE'S (S) BACKGROUND/SIGNIFICANCE: The interviewee(s), William Farnell, is (are) a (race, DO, sex, religion) Caucasian

STATEMENTS BY THE INTERVIEWEE(S):

Mr. William Farnell stated that he was surprised to find that a charge of discrimination has failed against the company based on National Origin. He stated he was surprised because about 90% of the work force had in El Paso and San Antonio is made up of Mexican-Americans. According to Mr. Farnell, at the time the successful policy of the company to hire only individuals who are American citizens. He stated that the time when the policy since the company was founded. At the time charge was filed by the company, that charged opponents of the

546
60
Sark M. Co. shall be made available just
as my to American Citizens.

He stated that an exception had been made
by Congress in giving only American Citizens.

Note: Mr. Sark refused to reveal the name
of the individual who was first convicted. He
does not an American Citizen.

In closing Mr. Sark stated he would take
this case to the Supreme Court if needed,
in order to continue his present living position.

169

61

E

FULBRIGHT, CROOKER, FREEHAN, BATES & JAWORSKI
ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON, TEXAS 77002

February 16, 1970

Re: Unlawful Employment Practice Charge,
TAUO-0056, Mrs. Rudolfo Espinoza



Mr. Raymond Villareal
Equal Employment Officer
Equal Employment Opportunity Commission
300 East 8th Street
Austin, Texas 78701

Dear Mr. Villareal:

We are in receipt from our Client, Farah Manufacturing Company, the unlawful employment practice charge filed by the above named individual.

Long before the effective date of Title VII of the Civil Rights Act of 1964, Farah Manufacturing Company practiced the policy of insuring equal employment opportunities for all individuals regardless of their race, color, religion, sex, or national origin. Because of this policy, the Company was amazed to receive this charge of alleged discrimination.

For many years Farah Manufacturing Company has consistently enforced a policy requiring as a condition precedent to employment applicants must be citizens of the United States. When operations commenced at the San Antonio facility a few years ago, this policy was continued. Naturally, this policy is not unique in that it is followed by many organizations, including the Civil Service Commission. Based on your conversation with Mr. Farah on Thursday, February 12, 1970, and your personal observation, it is apparent that the vast majority of employees at the San Antonio plant are of Latin descent. Therefore, under the facts of the present case, it is apparent that the instant charge is without merit.

Farah Manufacturing Company has always presented equal employment opportunity as a goal not yet reached and will continue to endeavor to apply this policy to all facets of its operations.

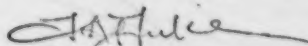
173

63

Mr. Raymond Villarreal
February 16, 1970
Page -2-

advise. If we may be of any further assistance, please

Very truly yours,


Tommy B. Duke
For the Firm

TBD/ef

cc- Mr. William F. Farsh
4304 Donnybrook Place
El Paso, Texas 79902

64

EQUAL EMPLOYMENT OPPORTUNITIES
REGIONAL OFFICE
300 E. 5TH STREET
AUSTIN, TEXAS 78701

DIVISION

RECEIVED
478-1111

February 19, 1971

CHARGE NO: 7AD-00086

Mr. William F. Neal
4304 Drury Lane K PL.
El Paso, Tx. 79912

So far as I can tell at this time, my investigation of the charge identified above is complete. My next step will be to prepare a written report which will go to Washington as a basis for a decision by the Commission. You will receive that decision directly from Washington.

I wish to be sure that you are aware that you now have an additional opportunity to make any further written response to the charge which you desire to make, placing your position and any new evidence you may have clearly in the record or report and thus before the Commission. Such a written response is not required, of course. If you do wish to offer an additional written statement of position, I will be pleased to receive it within ten (10) days of your receipt of this letter so that I can make it a part of the permanent file placed before the Commission.

As mentioned, I believe that my investigation is complete. However, it may be that the Commission will decide that some additional information is required; if that happens, you will be notified. In the meantime, please accept my thanks for your cooperation during the course of this investigation. It was a pleasure to learn more about your organization.

Sincerely,

Equal Employment Officer

177

65



Investigation was taken on a tour of the plant, by Mr. William French, President of the Company. During the tour it was noticed that there were no segregated facilities and EEO posters were displayed.

During the tour, it was also noticed that about 95% of the employees were S.S.A's. The two girls in the office were also S.S.A's.

Tour of facilities

(1) Tour of plant conducted on 2/10/70.

Tab H.

181

67

I

183

68

EEO-1 Report
(1) EEO-1 y 1969

Tab I

San Antonio is in Bexar County in what is frequently referred to as "central Texas." It is not near any city of substantial size. While it has numerous small industries, especially clothing manufacture and steel products, its population is primarily supported by Air Force and Army installations. The city has - for Texas - an active Human Relations Committee which is an arm of the city government; the committee has no power but to investigate and to publicize, however.

Unemployment is unusually high for larger Texas cities - commonly well over 4%. The total population is over 900,000 for the SMSA; of that population, just under 50% is SSA; and about 6.5% is Negro. The SSA population is concentrated in the western portion of the city, in the vicinity of Kelly Air Force Base (which employs about 10% of the labor force in the SMSA); the Negro portion of the population is in the southeast part of the city.

Tab 5

Supreme Court of the United States

No. 72-671

Cecilia Espinoza and Rudolfo Espinoza,
Petitioners,

v.

Farah Manufacturing Company, Inc.

ORDER ALLOWING CERTIORARI. Filed April 23 -----, 1973

The petition herein for a writ of certiorari to the United States Court of Appeals for the Fifth ----- Circuit is granted.